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FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK

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New Document	1909.12_contents	3 Pages
Superseded Document(s) by Issuance Number and Effective Date	1909.12_Contents (Amendment 1909.12-92-1, 08/03/1992)	2 Pages

Digest:

1909.12 Contents - This handbook name has been changed from “Land and Resource Management Planning Handbook” to “Land Management Planning Handbook” and recoded from 1-digit chapters to 2-digit chapters.

10 - Changes the chapter title from “Land Management Plan” to “Assessment.”

20 - Changes the chapter title from to “Adaptive Planning Process” to “Land Management Plan.”

30 - Changes the chapter title from “Public Participation and Collaboration” to “Monitoring.”

40 - Changes the chapter title from “Science and Sustainability” to Key Processes Supporting Land Management Planning.”

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New Document	1909.12_zero_code	xx Pages
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Digest:

Zero_code – Revises chapter in its entirety.

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This handbook provides procedural guidance for implementing land management planning direction for the 2012 planning rule (77 FR 21165, April 9, 2012). The primary use is for interdisciplinary team members and line officers responsible for planning.

01 - AUTHORITY

The Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, and the implementing regulations found in Title 36, Code of Federal Regulations, part 219 establishes a process for developing, amending, and revising land management plans for units of the National Forest System (NFS). Further planning direction is set forth in FSM 1920. The full text of the 2012 Planning Rule is included as an exhibit in chapter 90 of this handbook.

04 - RESPONSIBILITY

The forest supervisor is responsible for developing, amending, or revising plans, except when the regional forester; the Chief; the Under Secretary, Natural Resources and Environment; or the Secretary acts as the responsible official under Title 36, Code of Federal Regulations, section 219.2(b)(3) (36 CFR 219.2(b)(3)). See FSM 1920 for a broad description of line officer responsibilities.

05 - DEFINITIONS

Address. An individual's or entity's current mailing address used for postal service or other delivery services. An email address is not sufficient. (36 CFR 219.62)

Alaska Native Corporation. One of the regional, urban, and village native corporations formed under the Alaska Native Claims Settlement Act of 1971. (36 CFR 219.19)

Area of influence. An area influenced by the management of the plan area that is used during the land management planning process to evaluate social, cultural, and economic conditions. The area is usually a grouping of counties.

Assessment. For the purposes of this Handbook, an assessment is the identification and evaluation of existing information to support land management planning. Assessments are not decisionmaking documents, but provide current information on select topics relevant to the plan area, in the context of the broader landscape (36 CFR 219.19).

At-risk species. The set of at-risk species for planning purposes includes federally recognized threatened, endangered, proposed and candidate species, and species of conservation concern.

Best management practices for water quality (BMPs). Methods, measures, or practices selected by an agency to meet its nonpoint source control needs. BMPs include but are

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not limited to structural and nonstructural controls and operation and maintenance procedures. BMPs can be applied before, during, and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters. (36 CFR 219.19)

Candidate species.

1. For U.S. Fish and Wildlife Service candidate species, a species for which the FWS possesses sufficient information on vulnerability and threats to support a proposal to list as endangered or threatened, but for which no proposed rule has yet been published by the U. S. Fish and Wildlife Service.
2. For National Marine Fisheries Service candidate species, a species that is:
 - a. The subject of a petition to list and for which the National Marine Fisheries Service has determined that listing may be warranted, pursuant to section 4(b)(3)(A) of the Endangered Species Act (16 U.S.C. 1533(b)(3)(A)), or
 - b. Not the subject of a petition but for which the National Marine Fisheries Service has announced in the Federal Register the initiation of a status review (36 CFR 219.19).

Collaboration or collaborative process. 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 toward 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 of October, 2007: Collaboration in NEPA— A Handbook for NEPA Practitioners. (36 CFR 219.19)

Connectivity. Ecological conditions that exist at several spatial and temporal scales that provide landscape linkages that permit the exchange of flow, sediments, and nutrients; the daily and seasonal movements of animals within home ranges; the dispersal and genetic interchange between populations; and the long distance range shifts of species, such as in response to climate change. (36 CFR 219.19)

Conservation. The protection, preservation, management, or restoration of natural environments, ecological communities, and species. (36 CFR 219.19)

Conserve. For the purpose of meeting the requirements of 36 CFR 219.9, to protect, preserve, manage, or restore natural environments and ecological communities to potentially avoid federally listing of proposed and candidate species. (36 CFR 219.19)

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Consultation (in relation to the Endangered Species Act). See Formal Consultation and Informal Consultation.

Critical habitat. For a threatened or endangered species, (1) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (a) essential to the conservation of the species, and (b) which may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species. (ESA §3(5)). Critical habitat is designated through rulemaking by the Secretary of the Interior or Commerce.

Designated area. An area or feature identified and managed to maintain its unique special character or purpose. Some categories of designated areas may be designated only by statute and some categories may be established administratively in the land management planning process or by other administrative processes of the Federal executive branch. Examples of statutorily designated areas are national heritage areas, national recreational areas, national scenic trails, wild and scenic rivers, wilderness areas, and wilderness study areas. Examples of administratively designated areas are experimental forests, research natural areas, scenic byways, botanical areas, and significant caves. (36 CFR 219.19)

Decision document. A concise public record of decision made in accordance with the policies and purposes of the National Environmental Policy Act (NEPA) that contains the elements specified in 40 CFR part 1505 Section 1505.2.

Decision memo. A concise written record of the responsible official's decision to implement an action that is categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA), where the action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment, and does not give rise to extraordinary circumstances in which a normally excluded action may have a significant environmental effect. (36 CFR 219.62)

Disturbance. Any relatively discrete event in time that disrupts ecosystem, watershed, community, or species population structure and/or function and changes resources, substrate availability, or the physical environment. (36 CFR 219.19)

Disturbance regime. A description of the characteristic types of disturbance on a given landscape; the frequency, severity, and size distribution of these characteristic disturbance types; and their interactions. (36 CFR 219.19)

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Ecological conditions. The biological and physical environment that can affect the diversity of plant and animal communities, the persistence of native species, and the productive capacity of ecological systems. Ecological conditions include habitat and other influences on species and the environment. Examples of ecological conditions include the abundance and distribution of aquatic and terrestrial habitats, connectivity, roads and other structural developments, human uses, and invasive species. (36 CFR 219.19)

Ecological integrity. The quality or condition of an ecosystem when its dominant ecological characteristics (for example, composition, structure, function, connectivity, and species composition and diversity) occur within the natural range of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human influence. (36 CFR 219.19)

Ecological sustainability. See sustainability.

Ecological system. See ecosystem.

Economic sustainability. See sustainability.

Ecosystem. A spatially explicit, relatively homogeneous unit of the Earth that includes all interacting organisms and elements of the abiotic environment within its boundaries. An ecosystem is commonly described in terms of its:

1. Composition. The biological elements within the different levels of biological organization, from genes and species to communities and ecosystems.
2. Structure. The organization and physical arrangement of biological elements such as, snags and down woody debris, vertical and horizontal distribution of vegetation, stream habitat complexity, landscape pattern, and connectivity.
3. Function. Ecological processes that sustain composition and structure, such as energy flow, nutrient cycling and retention, soil development and retention, predation and herbivory, and natural disturbances such as wind, fire, and floods.
4. Connectivity. (see connectivity above). (36 CFR 219.19)

Ecosystem diversity. The variety and relative extent of ecosystems. (36 CFR 219.19)

Ecosystem integrity. See ecological integrity.

Ecosystem services. Benefits people obtain from ecosystems, including:

1. Provisioning services, such as clean air and fresh water, energy, food, fuel, forage, wood products or fiber, and minerals;

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2. Regulating services, such as long term storage of carbon; climate regulation; water filtration, purification, and storage; soil stabilization; flood and drought control; and disease regulation;
3. Supporting services, such as pollination, seed dispersal, soil formation, and nutrient cycling; and
4. Cultural services, such as educational, aesthetic, spiritual, and cultural heritage values, recreational experiences, and tourism opportunities.

Endangered Species. Any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insect determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man. [ESA §3(6)]

Environmental assessment (EA). A public document that provides sufficient evidence and analysis for determining whether to prepare an EIS or a finding of no significant impact, aids an agency's compliance with the NEPA when no EIS is necessary, and facilitates preparation of a statement when one is necessary (40 CFR 1508.9; FSH 1909.15, chapter 40). (36 CFR 219.62)

Environmental document. For the purposes of this part: an environmental assessment, environmental impact statement, finding of no significant impact, categorical exclusion, and notice of intent to prepare an environmental impact statement. (36 CFR 219.19)

Environmental impact statement (EIS). A detailed written statement as required by section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (40 CFR 1508.11; 36 CFR 220). (36 CFR 219.62)

Essential Fish Habitat (EFH). EFH means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (for Federally managed species as per 50 CFR 600, "Magnuson-Stevens Act Provisions." For the purpose of interpreting the definition of essential fish habitat: "Waters" include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish where appropriate; "substrate" includes sediment, hard bottom, structures underlying the waters, and associated biological communities, "necessary" means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem; and "spawning, breeding, feeding growth to maturity" covers a species full life cycle.

Even-aged stand. A stand of trees composed of a single age class. (36 CFR 219.19)

Federally recognized Indian Tribe. An Indian Tribe or Alaska Native Corporation, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to

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exist as an Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. (36 CFR 219.19)

Focal species. A small subset of species whose status permits inference to the integrity of the larger ecological system to which it belongs and provides meaningful information regarding the effectiveness of the plan in maintaining or restoring the ecological conditions to maintain the diversity of plant and animal communities in the plan area. Focal species would be commonly selected on the basis of their functional role in ecosystems. (36 CFR 219.19)

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. (36 CFR 219.19)

Formal comments. See substantive formal comments. (36 CFR 219.62)

Formal Consultation. A process between the FWS and/or NMFS and the Federal agency that 1) determines whether a proposed Federal action is likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat; 2) begins with a Federal agency's written request and submittal of a complete initiation package; and 3) concludes with the issuance of a biological opinion by FWS and/or NMFS, that may include an incidental take statement by the FWS or NMFS. If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required, except when the FWS or NMFS concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat. (50 CFR §402.02, §402.14)

Geographic area. A spatially contiguous land area identified within the planning area. A geographic area may overlap with a management area. (36 CFR 219.19)

Habitat type. A land or aquatic unit, consisting of an aggregation of habitats having equivalent structure, function, and responses to disturbance.

Informal Consultation. An optional process that includes all discussions and correspondence between the FWS/NMFS and a Federal action agency or designated non-Federal representative, prior to formal consultation, to determine whether a proposed Federal action may affect listed species or critical habitat. (FSW and NOAA Fisheries Endangered Species Consultation Handbook)

Inherent capability of the plan area. The ecological capacity or ecological potential of an area characterized by the interrelationship of its physical elements, its climatic regime, and natural disturbances. (36 CFR 219.19)

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Integrated resource management. Multiple use management that recognizes the interdependence of ecological resources and is based on the need for integrated consideration of ecological, social, and economic factors. (36 CFR 219.19)

Invasive Species. Executive Order 13112 defines an invasive species as “an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.” The Forest Service relies on Executive Order 13112 to provide the basis for labeling certain organisms as invasive. Based on this definition, the labeling of a species as “invasive” requires closely examining both the origin and effects of the species. The key is that the species must cause, or be likely to cause, harm and be exotic to the ecosystem it has infested before we can consider labeling it as “invasive”. Thus, native pests are not considered “invasive”, even though they may cause harm. Invasive species infest both aquatic and terrestrial areas and can be identified within any of the following four taxonomic categories: Plants, Vertebrates, Invertebrates, and Pathogens. Additional information on this definition can be found in Executive Order 13112.

Landscape. A defined area irrespective of ownership or other artificial boundaries, such as a spatial mosaic of terrestrial and aquatic ecosystems, landforms, and plant communities, repeated in similar form throughout such a defined area. (36 CFR 219.19)

Lead objector. For an objection submitted with multiple individuals, multiple entities, or combination of individuals and entities listed, the individual or entity identified to represent all other objectors for the purposes of communication, written or otherwise, regarding the objection. (36 CFR 219.62)

Line officer. A Forest Service official who serves in a direct line of command from the Chief. (36 CFR 219.62)

Maintain. In reference to an ecological condition: To keep in existence or continuance of the desired ecological condition in terms of its desired composition, structure, and processes. Depending upon the circumstance, ecological conditions may be maintained by active or passive management or both. (36 CFR 219.19)

Management area. A land area identified within the planning area that has the same set of applicable plan components. A management area does not have to be spatially contiguous. (36 CFR 219.19)

Management system. For the purposes of this Handbook, a timber management system including even aged management and uneven-aged management (36 CFR 219.19).

Monitoring. A systematic process of collecting information to evaluate effects of actions or changes in conditions or relationships. (36 CFR 219.19)

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Multiple use. The management of all the various renewable surface resources of the NFS so that they are utilized 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 use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and 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). (36 CFR 219.19)

Name. The first and last name of an individual or the name of an entity. An electronic username is insufficient for identification of an individual or entity. (36 CFR 219.62)

National Forest System. Includes national forests, national grasslands, and the National Tallgrass Prairie. (36 CFR 219.62)

Native knowledge. A way of knowing or understanding the world, including traditional ecological and social knowledge of the environment derived from multiple generations of indigenous peoples' interactions, observations, and experiences with their ecological systems. Native knowledge is place based and culture-based knowledge in which people learn to live in and adapt to their own environment through interactions, observations, and experiences with their ecological system. This knowledge is generally not solely gained, developed by, or retained by individuals, but is rather accumulated over successive generations and is expressed through oral traditions, ceremonies, stories, dances, songs, art, and other means within a cultural context. (36 CFR 219.19)

Native species. An organism that was historically or is present in a particular ecosystem as a result of natural migratory or evolutionary processes; and not as a result of an accidental or deliberate introduction into that ecosystem. An organism's presence and evolution (adaptation) in an area are determined by climate, soil, and other biotic and abiotic factors. (36 CFR 219.19)

Natural range of variation (NRV). Spatial and temporal variation in ecosystem characteristics under historic disturbance regimes during a reference period. The reference period considered should be sufficiently long to include the full range of variation produced by dominant natural disturbance regimes, often several centuries, for such disturbances as fire and flooding and should also include short-term variation and cycles in climate. "Natural range of variation" (NRV) is a term used synonymously with historic range of variation or range of natural variation. The NRV is a tool for assessing ecological integrity, and does not necessarily constitute a management target or desired condition. The NRV can help identify key structural, functional, compositional, and

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connectivity characteristics, for which plan components may be important for either maintenance or restoration of such ecological conditions.

Newspaper(s) of record. The newspaper(s) of record is (are) the principal newspaper(s) of general circulation annually identified and published in the Federal Register by each regional forester to be used for publishing notices as required by 36 CFR 215.5. The newspaper(s) of record for projects in a plan area is (are) the newspaper(s) of record for notices related to planning. (36 CFR 219.62)

Objection. The written document filed with a reviewing officer by an individual or entity seeking pre-decisional administrative review of a plan, plan amendment, or plan revision. (36 CFR 219.62)

Objection period. The allotted filing period following publication of a public notice in the applicable newspaper of record (or the Federal Register, if the responsible official is the Chief) of the availability of the appropriate environmental documents and draft decision document, including a plan, plan amendment, or plan revision during which an objection may be filed with the reviewing officer. (36 CFR 219.62)

Objection process. Those procedures established for pre-decisional administrative review of a plan, plan amendment, or plan revision. (36 CFR 219.62)

Objector. An individual or entity who meets the requirements of section 219.53, and files an objection that meets the requirements of sections 219.54 and 219.56. (36 CFR 219.62)

Online. Refers to the appropriate Forest Service website or future electronic equivalent. (36 CFR 219.62)

Optional plan component. 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, but do not include completion dates.

Participation. Activities that include a wide range of public involvement tools and processes, such as collaboration, public meetings, open houses, workshops, and comment periods. (36 CFR 219.19)

Persistence. Continued existence. (36 CFR 219.19)

Plan or land management plan. A document or set of documents that provide management direction for an administrative unit of the NFS developed under the requirements of this part or a prior planning rule. (36 CFR 219.19)

Plan area. The NFS lands covered by a plan. (36 CFR 219.19)

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Plan components. Guide future project and activity decisionmaking. The plan must indicate whether specific plan components apply to the entire plan area, to specific management areas or geographic areas, or to other areas as identified in the plan. Every plan must include the following plan components:

1. Desired conditions. 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.
2. Objectives. A concise, measurable, and time-specific statement of a desired rate of progress toward a desired condition or conditions. Objectives should be based on reasonably foreseeable budgets.
3. Standards. 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.
4. Guidelines. A constraint on project and activity decisionmaking that allows for departure from its terms, so long as the purpose of the guideline is met. (§ 219.15(d)(3)). Guidelines are established to help achieve or maintain a desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.
5. Suitability of lands. Specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. The plan will also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. The suitability of lands need not be identified for every use or activity. Suitability identifications may be made after consideration of historic uses and of issues that have arisen in the planning process. Every plan must identify those lands that are not suitable for timber production (§ 219.11).

Plan monitoring program. The plan monitoring program sets out the plan monitoring questions and associated indicators, based on plan components. The plan monitoring program informs management of resources on the plan area and enables the responsible official to determine if a change in plan components or other plan content that guide management of resources on the plan area may be needed.

Planning record. Includes documents that support analytical conclusions made and alternatives considered throughout the planning process.
(36 CFR 219.14)(b)(2))

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Plant and animal community. A naturally occurring assemblage of plant and animal species living within a defined area or habitat. (36 CFR 219.19)

Productivity. The capacity of NFS lands and their ecological systems to provide the various renewable resources in certain amounts in perpetuity. For the purposes of this Handbook, productivity is an ecological term, not an economic term (36 CFR 219.19).

Project. An organized effort to achieve an outcome on NFS lands identified by location, tasks, outputs, effects, times, and responsibilities for execution. (36 CFR 219.19)

Proposed Species. Any species of fish, wildlife, or plant that is proposed by the U. S. Fish and Wildlife Service or the National Marine Fisheries Service in the Federal Register to be listed under Section 4 of the Endangered Species Act. (36 CFR 219.19)

Public and governmental participation. Phrase used in this Handbook as shorthand for participation by all Tribes and Alaska Native Corporations, other Federal agencies, State and local governments, public and private organizations and interested individuals. This can include people and government and non-governmental entities in other countries, for example, where plan areas are adjacent or proximate to international borders.

Recovery. For the purposes of this Handbook and with respect to threatened or endangered species: The improvement in the status of a listed species to the point at which listing as federally endangered or threatened is no longer appropriate (36 CFR 219.19).

Recreation opportunity. An opportunity to participate in a specific recreation activity in a particular recreation setting to enjoy desired recreation experiences and other benefits that accrue. Recreation opportunities include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air. (36 CFR 219.19)

Recreation setting. The social, managerial, and physical attributes of a place that, when combined, provides a distinct set of recreation opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban. (36 CFR 219.19)

Redundancy. The presence of multiple occurrences of ecological conditions such that not all occurrences may be eliminated by a catastrophic event.

Representativeness. The presence of a full array of ecosystem types and successional states, based on the physical environment and characteristic disturbance processes.

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Responsible official. The official with the authority and responsibility to oversee the planning process and to approve a plan, plan amendment, and plan revision. (36 CFR 219.62)

Restoration. The process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Ecological restoration focuses on reestablishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial and aquatic ecosystems sustainability, resilience, and health under current and future conditions. (36 CFR 219.19)

Restore. To renew by the process of restoration. See restoration (36 CFR 219.19)

Reviewing officer. The USDA or Forest Service official having the delegated authority and responsibility to review an objection filed under this subpart. (36 CFR 219.62)

Riparian Areas. Three-dimensional ecotones [the transition zone between two adjoining communities] of interaction that include terrestrial and aquatic ecosystems that extend down into the groundwater, up above the canopy, outward across the floodplain, up the near-slopes that drain to the water, laterally into the terrestrial ecosystem, and along the water course at variable widths. (36 CFR 219.19)

Riparian management zone. Portions of a watershed where riparian-dependent resources receive primary emphasis, and for which plans include plan components to maintain or restore riparian functions and ecological functions. (36 CFR 219.19)

Risk. A combination of the likelihood that a negative outcome will occur and the severity of the subsequent negative consequences. (36 CFR 219.19)

Scenic character. A combination of the physical, biological, and cultural images that gives an area its scenic identity and contributes to its sense of place. Scenic character provides a frame of reference from which to determine scenic attractiveness and to measure scenic integrity. (36 CFR 219.19)

Social sustainability. See sustainability.

Sole source aquifer. Underground water supply designated by the Environmental Protection Agency (EPA) as the “sole or principle” source of drinking water for an area as established under section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300h–3(e)). (36 CFR 219.19)

Source water protection areas. The area delineated by a State or Tribe for a public water system (PWS) or including numerous PWSs, whether the source is ground water or surface water or both, as part of a State or tribal source water assessment and protection

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program (SWAP) approved by Environmental Protection Agency under section 1453 of the Safe Drinking Water Act (42 U.S.C. 300h–3(e)). (36 CFR 219.19)

Species of conservation concern. A species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area. (36 CFR 219.9(c))

Stressors. For the purposes of this Handbook, actors that may directly or indirectly degrade or impair ecosystem composition, structure, or ecological process in a manner that may impair its ecological integrity, such as an invasive species, loss of connectivity, or the disruption of a natural disturbance regime (36 CFR 219.19).

Substantive formal comments. Written comments submitted to, or oral comments recorded by, the responsible official or his designee during an opportunity for public participation provided during the planning process (secs. 219.4 and 219.16), and attributed to the individual or entity providing them. Comments are considered substantive when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider. (36 CFR 219.62)

Sustainability. The capability to meet the needs of the present generation without compromising the ability of future generations to meet their needs. For the purposes of this Handbook “ecological sustainability” refers to the capability of ecosystems to maintain ecological integrity; “economic sustainability” refers to the capability of society to produce and consume or otherwise benefit from goods and services including contributions to jobs and market and nonmarket benefits; and “social sustainability” refers to the capability of society to support the network of relationships, traditions, culture, and activities that connect people to the land and to one another, and support vibrant communities (36 CFR 219.19).

Sustainable recreation. The set of recreation settings and opportunities on the National Forest System that is ecologically, economically, and socially sustainable for present and future generations. (36 CFR 219.19)

Timber harvest. The removal of trees for wood fiber use and other multiple use purposes. (36 CFR 219.19)

Threatened Species. Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. (ESA §3(19))

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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. (36 CFR 219.19)

Traditional Ecological Knowledge. See Native Knowledge.

Tribal consultation. A formal government-to-government process that enables Indian Tribes and Alaska Native Corporations to provide meaningful timely input and, as appropriate, exchange views, information, and recommendations on Forest Service proposed policies or actions that may affect their rights or interests prior to a decision. Consultation is a unique form of communication characterized by trust and respect. (See FSM 1509.05)

Viable population. A population of a species that continues to persist over the long term with sufficient distribution to be resilient and adaptable to stressors and likely future environments. (36 CFR 219.19)

Watershed. A region or land area drained by a single stream, river, or drainage network; a drainage basin. (36 CFR 219.19)

Watershed condition. The state of a watershed based on physical and biogeochemical characteristics and processes. (36 CFR 219.19)

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). (36 CFR 219.19)

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). (36 CFR 219.19)

These areas include undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which:

1. Generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
2. Has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
3. Has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and

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4. May also contain ecological, geological, or other features of scientific, educational, scenic or historical value. (16 USC 1131(c))

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CHAPTER 10 – THE ASSESSMENT

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Digest:

10 - Changes chapter caption from “Land Management Plan” to “The Assessment.” Revises the chapter in its entirety. Changes captions and sets forth new direction throughout the chapter.

10.5 - Establishes code, caption, and sets forth new terminology in “Definitions.”

10.6 - Establishes code, caption, and sets forth new cited “References.”

14 - Establishes code, caption, and sets forth new direction for “Assessing Designated Areas.”

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15 - Establishes code, caption, and sets forth new direction for “Assessments for Plan Amendments.”

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This chapter describes the procedures for writing an assessment for development, amendment, or revision of land management plans. See FSH 1909.12, chapter 40 for a discussion of the planning framework (assessment, planning, and monitoring) of the planning rule.

10.5 - Definitions

Airshed. A geographic area that, because of topography, meteorology, and, or, climate, is frequently affected by the same air mass.

Carbon pool. Any natural region or zone, or any artificial holding area, containing an accumulation of carbon or carbon-bearing compounds or having the potential to accumulate such substances. Carbon pools may include live and dead above ground carbon, soil carbon including coarse roots, and harvested wood products.

Carbon stocks. The amount or quantity contained in the inventory of a carbon pool. For purposes of carbon assessment for National Forest System (NFS) land management planning, carbon pools do not include carbon in fossil fuel resources, lakes or rivers, emissions from agency operations, or public use of NFS lands (such as emissions from vehicles and facilities).

Critical load. The concentration of air pollution or total deposition of pollutants above which specific deleterious effects may occur.

Natural range of variation (NRV). Spatial and temporal variation in ecosystem characteristics under historic disturbance regimes during a reference period. The reference period considered should be sufficiently long to include the full range of variation produced by dominant natural disturbance regimes, often several centuries, for such disturbances as fire and flooding and should also include short-term variation and cycles in climate. “Natural range of variation” (NRV) is a term used synonymously with historic range of variation or range of natural variation. The NRV is a tool for assessing ecological integrity, and does not necessarily constitute a management target or desired condition. The NRV can help identify key structural, functional, compositional, and connectivity characteristics, for which plan components may be important for either maintenance or restoration of such ecological conditions.

10.6 - References

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Winthers, E.; Fallon, D.; Haglund, J.; DeMeo, T.; Nowacki, G.; Tart, D.; Ferwerda, M.; Robertson, G.; Gallegos, A.; Rorick, A.; Cleland, D. T.; Robbie, W. 2005. Terrestrial ecological unit inventory technical guide. Washington, DC: U.S. Department of Agriculture, Forest Service, Washington Office, Ecosystem Management Coordination Staff. 245 p.

11 - ASSESSMENTS

(1) Assessment. Assessments rapidly evaluate existing information about relevant ecological, economic, and social conditions, trends, and sustainability and their relationship to the land management plan within the context of the broader landscape. The responsible official shall consider and evaluate existing and possible future conditions and trends of the plan area, and assess the sustainability of social, economic, and ecological systems within the plan area, in the context of the broader landscape (§ 219.6). (36 CFR 219.5(a))

The assessment phase should contribute to the planning phase by providing information for:

1. Identifying the need for change in the plan development, amendment, or revision process (FSH 1909.12, ch. 20, sec. 26); and
2. Developing plan components including desired conditions, objectives, standards, guidelines, and suitability of lands (FSH 1909. 12, ch. 20, sec. 27).

Assessments serve several purposes:

1. Identify and evaluate a solid base of available information relevant to the plan development, plan amendment, or plan revision, including:
 - a. Evaluate available information with the public and other interested parties relevant to the assessment requirements of 36 CFR 219.6(b); and

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- b. Develop an understanding of the conditions and trends of the assessment topics that is useful to making decisions about plan components and other content of the plan (36 CFR 219.6(a)(1)).
2. Build a common understanding of that information with the public and other interested parties before starting plan development, plan amendment, or plan revision.
3. Develop relationships with interested parties to facilitate public and government participation among government entities, Indian Tribes, private landowners, and other partners and interested parties.
4. Develop readiness of both the Agency and the public to focus on topics appropriate to a plan, plan revision, or amendment.
5. Develop a mutual understanding of the complex topics across landscapes that are relevant to planning on the unit.

An assessment can also provide information for a plan amendment, although other documentation may serve this purpose as well, such as a monitoring evaluation report or other source of new information indicating changed conditions in the plan area.

To complete the assessment, the responsible official shall rapidly evaluate readily available information that is relevant. The term “relevant” means the information must pertain to the topics under consideration at spatial and temporal scales appropriate to the plan area and to a land management plan. Relevance in the assessment phase is 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. If no relevant available information exists for the topic areas described in 36 CFR 219.6(b), or if there are gaps in existing, available information, there is no requirement to begin new studies to acquire or develop such information.

The term “available” means that the information is currently available in a form useful for the planning process without further data collection, modification, or validation. The assessment report should identify information gaps, which the responsible official could fill in through inventories, plan monitoring, or research.

In conducting the assessment, the responsible official should review the Paperwork Reduction Act (PRA)(5 CFR 1320) and ensure that methods for identifying information to meet the requirements of 36 CFR 219.6 and this handbook are consistent with the PRA (see, in particular, 5 CFR 1320.3(h)). Unless and until the appropriate PRA approval process for the collection of information has been completed, responsible officials must not use any method of obtaining information for the assessment that is prohibited (absent approval) by the PRA.

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The responsible official should engage the public and governmental entities early to encourage participation in the assessment process. The responsible official should manage the process so that the assessment report is promptly available to the public.

Responsible officials use the results of the assessment and monitoring to help identify the need for change when revising or amending plans. The responsible official has discretion to set the scale and scope of the assessment based on the scope of the action being contemplated and the requirements of 36 CFR 219.6.

This Handbook sets forth the degree of compliance by the use of verbs and by the imperative mood following FSM 1110.8. However, since it is impossible to foresee all circumstances, if the direction in this Handbook is not relevant to the local situation, the responsible official should explain why the direction is not relevant and then adapt the assessment appropriately to meet the requirements of 36 CFR 219.6.

The responsible official shall focus on rapidly identifying and evaluating existing, available, relevant information (hereafter referred to as “available information”).

11.1 - Assessment Report for Plan Development and Plan Revision

The assessment report is the principal document that supports the development of a new plan or plan revision (36 CFR 219.6).

The responsible official has the discretion to determine the scope, scale, and timing of an assessment described in § 219.5(a)(1), subject to the requirements of this section.

(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:

(1) Identify and consider relevant existing information in governmental or non-governmental assessments, plans, monitoring reports, studies, and other sources of relevant information. Such sources of information may include State forest assessments and strategies, the Resources Planning Act assessment, ecoregional assessments, non-governmental reports, State comprehensive outdoor recreation plans, community wildfire protection plans, public transportation plans, State wildlife data and action plans, and relevant Agency or interagency reports, resource plans or assessments. Relevant private information, including relevant land management plans and local knowledge, will be considered if publicly available or voluntarily provided.

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(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.

(3) Document the assessment in a report available to the public. The report should document information needs relevant to the topics of paragraph (b) of this section. Document in the report how the best available scientific information was used to inform the assessment (§ 219.3). Include the report in the planning record (§ 219.14). (36 CFR 219.6)

Assessment reports must be written in plain language and use appropriate graphics so that the responsible official and the public readily understand it. The assessment report is a summary of the evaluation of the most important information evaluated; it is not a decision document. The assessment report may include reference maps, tables, charts, or references to other information relevant to the plan area.

11.11 - Content of the Assessment for Plan Development and Plan Revision

The planning requirement at 36 CFR 219.6(b) describes the content of the assessment for plan development and plan revision.

(b) Content of the assessment for plan development or revision. In the assessment for plan development or revision, the responsible official shall identify and evaluate existing information relevant to the plan area for the following:

- (1) Terrestrial ecosystems, aquatic ecosystems, and watersheds;**
- (2) Air, soil, and water resources and quality;**
- (3) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change;**
- (4) Baseline assessment of carbon stocks;**
- (5) Threatened, endangered, proposed and candidate species, and potential species of conservation concern present in the plan area;**
- (6) Social, cultural, and economic conditions;**

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- (7) Benefits people obtain from the NFS planning area (ecosystem services);**
- (8) Multiple uses and their contributions to local, regional, and national economies;**
- (9) Recreation settings, opportunities and access, and scenic character;**
- (10) Renewable and nonrenewable energy and mineral resources;**
- (11) Infrastructure, such as recreational facilities and transportation and utility corridors;**
- (12) Areas of tribal importance;**
- (13) Cultural and historical resources and uses;**
- (14) Land status and ownership, use, and access patterns; and**
- (15) Existing designated areas located in the plan area including wilderness and wild and scenic rivers and potential need and opportunity for additional designated areas. (36 CFR 219.6(b))**

If no relevant information exists for these topic areas, or if there are gaps in available information, there is no requirement to begin new studies to acquire or develop such information. The assessment report should identify information gaps, which the responsible official could fill in through inventories, plan monitoring, or research.

Information sources such as the examples listed in 36 CFR 219.6(a)(1) and those listed in sections 13 and 14 should be reviewed for content that is useful for making decisions about plan components and other plan content.

The assessment report should include an evaluation of the relevant available information, including important conditions and trends and the sustainability of the social, economic, and ecological systems relevant for making decisions about plan components and other plan content. However, for some topics of the assessment the evaluation may be minimal. For example, designated areas, land status, or utility corridors may only require a map.

The assessment report should provide a clear base of information related to management concerns and potential plan components. The report should make important information about the plan area accessible to the public and the responsible official to inform the planning phase.

The responsible official should include the following in plan development or plan revision assessment reports:

1. Title page (title, names and addresses for further information, date of publication, abstract);

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2. U.S. Department of Agriculture Nondiscrimination Statement (inside front cover);
3. A brief introduction with discussion of:
 - a. Purpose of the assessment report that describes how the assessment report is structured, including any appendices and appendices purpose;
 - b. Location of the plan area with county and State location and associated acres; map of plan area; and
 - c. Background of the plan area including history and distinctive features of the plan area with brief summary of:
 - (1) Important ecological influences on the plan area; for example, climate, dominant ecosystems, terrain, system drivers, or vegetation.
 - (2) Important social and economic influences on the plan area; for example: demographics, population trends, or relevance of NFS lands.
 - (3) Important contributions of the plan area to ecological, social, and economic sustainability and multiple uses. This description may contain an overview of key ecosystem services from the plan area and how communities benefit.
4. A brief discussion of resources managed within the plan area and how resources, budgets, and risk factors are influencing accomplishment of existing plan objectives;
5. Summary of how the best available scientific information informs the topics of the assessment with a brief description and citation to relevant, credible literature, and other pertinent available information (FSH 1909.12, ch. 40, sec. 41);
6. Summary of the available information evaluated in the assessment for the 15 topics of 36 CFR 219.6(b). The assessment should state the conclusions of the evaluation in a way that is helpful in identifying the need to change plan components. In general, for each of the 15 topics the summary may:
 - a. Describe or identify important information evaluated in this phase;
 - b. Describe the nature, extent, and role of existing conditions and reasonably foreseeable future trends within the plan area and in the broader landscape. Trends may imply a range of changes that are reasonably foreseeable in the future. Statistical analysis is not implied or necessary to identify and describe trends in the assessment phase. Trends may be described in broad terms such as increasing, decreasing, or remaining stable;

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- c. Describe the contribution that the plan area makes to ecological, social, or economic sustainability related to the topic; and
- d. Identify information gaps as described in 36 CFR 219.6(a)(3).

11.12 - Public Participation for the Assessment

The responsible official shall provide opportunities to the public and governmental entities for participating in the assessment process (36 CFR 219.4(a)). It must be clear to the public when these opportunities will occur and how information or feedback is to be provided.

For additional information, see 36 CFR 219.4 and FSH 1909.12, chapter 40, section 43.

11.13 - Tribal Consultation for the Assessment

For information on tribal consultation see 36 CFR 219.4 and FSH 1909.12, chapter 40, section 44.

12 - ASSESSING ECOLOGICAL SUSTAINABILITY AND DIVERSITY OF PLANT AND ANIMAL COMMUNITIES

For information on assessments, see 36 CFR 219.5(a) and section 11 of this Handbook.

Sustainability is defined in FSH 1909.12, zero code, section 05. During the assessment process, the responsible official shall:

- (1) Identify and consider relevant existing information in governmental or non-governmental assessments, plans, monitoring reports, studies and other sources of relevant information. . . .**

(36 CFR 219.6(a))

The requirements for the content of the assessment are described in 36 CFR 219.6(b).

- (b) Content of the assessment for plan development or revision. In the assessment for plan development or revision, the responsible official shall identify and evaluate existing information relevant to the plan area for the following:**

- (1) Terrestrial ecosystems, aquatic ecosystems, and watersheds;**
- (2) Air, soil, and water resources and quality;**
- (3) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of**

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terrestrial and aquatic ecosystems on the plan area to adapt to change;

(4) Baseline assessment of carbon stocks;

(5) Threatened, endangered, proposed and candidate species, and potential species of conservation concern present in the plan area. . . .

12.1 - Assessing Terrestrial Ecosystems, Aquatic Ecosystems, and Watersheds

It is important to recognize that the ecological integrity of the terrestrial, aquatic, and riparian ecosystems are inter-related with watershed condition, water quality, and water resources. Section 12.23 gives additional direction for assessing watershed condition and function.

The process for evaluating terrestrial ecosystems, aquatic ecosystems, and watersheds is iterative throughout the assessment, and is influenced by information provided by public and governmental participation.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.11 - Terrestrial Ecosystems, Aquatic Ecosystems, and Watersheds Overview**

Using available information, the responsible official should identify and evaluate the ecological integrity of terrestrial and aquatic ecosystems within the plan area (36 CFR 219.6(b) and document the evaluation in the planning record. Section 12.2 discusses watersheds.

The responsible official's approach to evaluating ecosystem integrity should involve evaluating available relevant information from a range of sources about terrestrial, aquatic, and riparian ecosystems within or relevant to the plan area. The approach should include:

1. Identifying the relevant terrestrial, aquatic, and riparian ecosystems to be evaluated (sec. 12.12), and the appropriate scale for conducting their assessment (sec. 12.13);
2. Rapidly evaluating the available information about those ecosystems, including information about the structure, function, composition, and connectivity of the evaluated ecosystems by:
 - a. Selecting key ecosystem characteristics for each of the ecosystems being evaluated relevant to developing plan components for the ecological integrity of terrestrial, aquatic, and riparian ecosystems (sec. 12.14);
 - b. Describing the Natural Range of Variation (NRV) for these key ecosystem characteristics, when such information is readily available (sec. 12.15a);
 - c. When there is no information on NRV, describing an alternative context for evaluating ecological integrity for the key ecosystem characteristics based on a scientific and ecological understanding of the conditions that would sustain these key ecosystem characteristics (sec. 12.15b); and
 - d. Describing the current condition and trends of the key ecosystem characteristics (sec. 12.15c).
3. Identifying possible system drivers and stressors (36 CFR 219.6(b)(3)) and evaluating their influences on key ecosystem characteristics (sec. 12.3);
4. Using the key ecosystem characteristics, describing the projected future status of ecosystem integrity, assuming management is consistent with the current plan (sec. 12.15d). This evaluation may:
 - a. Describe the status of the key ecosystem characteristics by comparing the NRV of key ecosystem characteristics to current conditions; or

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- b. Describe the status of the key ecosystem characteristics by evaluating the current conditions based on a scientific and ecological understanding of the conditions that would sustain these key ecosystem characteristics when NRV is not available.
5. Identifying which of the following are true for each key ecosystem characteristic being analyzed:
 - a. The key ecosystem characteristic is functioning in a way that contributes to ecosystem integrity and sustainability;
 - b. The key ecosystem characteristic is not currently contributing to ecosystem integrity, but with changes to current plan direction, could do so in the future; or
 - c. The key ecosystem characteristic is not expected to contribute to ecosystem integrity in the future (sec. 12.15d).

12.12 - Identifying the Ecosystems to be Addressed in the Assessment

When identifying ecosystems for the assessment that are useful for making decisions about plan components, the responsible official should use existing Forest Service tools. Existing tools include the Watershed Condition Classification (USDA Forest Service 2011a), Terrestrial Ecological Unit Inventory Technical Guide (Winthers et al. 2005), Aquatic Ecological Unit Inventory, National Hierarchical Framework of Ecological Units (NHFEU) (Cleland et al. 1997), and other existing classification and assessment tools to guide this work (FSM 2060.3).

The responsible official may, at the responsible official's discretion, use other analytical tools to inform the selection of ecosystems including, for example, Coastal Zone Marine Spatial Planning, Landscape Conservation Cooperatives, or other tools created by other Federal and State agencies, communities, federally recognized Tribes, Alaska Native Corporations, and other entities. Finer spatial scales of the National Hierarchical Framework of Ecological Units or other appropriate national or regional assessments (for example, National Fish Habitat Action Plan (NFHAP) and Watershed Condition Classification Technical Guide (WCC) (USDA Forest Service 2011a)) may be appropriate depending on the specific issues or concerns being evaluated at various stages of the planning process.

Based on the above existing tools, the responsible official should consider:

1. The terrestrial, aquatic, groundwater, riparian, and atmospheric aspects of ecosystems that exist and operate at the broader landscape scale (sec. 12.13);
2. The variety of habitat types occurring within the plan area;
3. The presence of rare aquatic and terrestrial plant and animal communities; and

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4. The amount, distribution, and connectivity of ecosystems, habitat types (FSH 1909.12, zero code, sec. 05), and plant and animal communities.

12.13 - Spatial Scales for Assessing Ecosystem Integrity

Ecosystem integrity may be considered at a range of spatial and temporal scales. Responsible officials should use existing tools (sec. 12.12) that identify a hierarchy of ecosystems and should identify ecosystems within those hierarchies that are relevant to developing plan components for the plan area. To select the appropriate scale at which ecological integrity should be assessed, the responsible official may consider:

1. The spatial and temporal scales of disturbance processes that impact the plan area;
2. The geographic ranges and habitats of at-risk species present within the plan area;
3. Scales at which the evaluation of key ecosystem characteristics identified in section 12.14 are relevant to developing plan components; and
4. Scales at which the distinctive roles and contributions of the plan area are relevant within the context of the broader landscape.

An area of analysis should be large enough to capture:

1. Broad-scale trends; and
2. The NRV in disturbance intensity, frequency, and areal extent.

The goal of evaluating information about ecosystem integrity at scales broader than the plan area is to understand the context of management for resources within the plan area. An understanding of the environmental context extending beyond the plan area should be useful in determining opportunities or limitations for NFS lands to contribute to the sustainability of the broader ecological systems, as well as the impacts of the broader landscape on the sustainability of resources within the plan area. In some instances, a unique role of NFS lands may become apparent at this scale.

12.14 - Identifying and Assessing Key Ecosystem Characteristics of Terrestrial, Aquatic, and Riparian Ecosystems

Key ecosystem characteristics include the dominant ecological characteristics that describe the composition, structure, function, and connectivity of terrestrial, aquatic, and riparian ecosystems that are relevant to addressing important concerns about the land management plan. Key ecosystem characteristics are identified, selected, and evaluated during the assessment phase, brought forward to inform the development of plan components, and may be useful for

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monitoring progress towards maintaining or restoring ecological integrity. Key ecosystem characteristics may be added or modified during the planning phase.

Do not catalogue all possible characteristics of ecosystems, but develop a list of those characteristics that are important to establishing (or evaluating existing) plan components that would support ecological conditions necessary to maintain or restore the ecological integrity of terrestrial, aquatic, and riparian ecosystems in the plan area (36 CFR 219.8).

The responsible official should select key ecosystem characteristics for evaluation that appropriately match the scale and area of analysis. The responsible official should document the key ecosystem characteristics selected for evaluation and the rationale for their selection.

The process for identifying and selecting key ecosystem characteristics will be iterative throughout the assessment, and will be influenced by information provided by public and governmental participation.

Exhibit 01 shows a broad range of examples of potential key ecosystem characteristics that may be appropriate to a given evaluation, although the examples do not indicate the appropriate scale for consideration of each of the characteristics. See the definition of “ecosystem” in the Zero Code for additional detail on the definitions of each ecosystem characteristic.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.14 Exhibit 01****Examples of Potential Key Ecosystem Characteristics for Composition, Structure, Function, and Connectivity**

Composition	Structure	Functions (Ecological Processes)¹	Connectivity²
<ul style="list-style-type: none"> • Distribution and extent of major vegetation. • Presence and abundance of rare and unique habitat types, such as fens, bogs, and talus slopes/scree. • Species richness, which is the identity and number of individual species native to – or characteristic of – the plan or evaluation area. • Species diversity, including both richness and evenness. • Species distribution. • Presence and distribution of non-desirable invasive species. 	<ul style="list-style-type: none"> • Vertical and horizontal distribution and size of trees and understory vegetation in selected vegetation types. • Density, size, decomposition class, and distribution of dead wood. • Fragmentation characteristics such as patch size, edge length, percent forest interior, amount and distribution of vegetation seral/structural stages, proportion of forest interior, and connectivity (such as, the five seral stages defined in the Fire Regime Condition Class process). • Landscape patch adjacency and context, connectivity, and compatibility of nearby land uses. • Stream habitat complexity. 	<ul style="list-style-type: none"> • Types, frequencies, severities, patch sizes, extent, and spatial pattern of disturbances such as fires, landslides, floods, and insect or disease outbreaks. • Ability of native species to move throughout the plan area, and cross into adjacent areas, to use habitat that fulfills their life cycle needs (for example, breeding, foraging, sheltering). • Successional pathways, stand development of major vegetation types, longevity, and turnover of habitats. 	<ul style="list-style-type: none"> • Fragmentation characteristics such as patch size, edge length, percent forest interior, amount and distribution of vegetation seral/structural stages, proportion of forest interior, and connectivity (such as, the five seral stages defined in the Fire Regime Condition Class process). • Landscape patch adjacency and context, connectivity, and compatibility of nearby land uses. • Distribution of stream diversions and impoundments. • Extent of stream dewatering and channel alteration.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.14 - Exhibit 01—Continued****Examples of Potential Key Ecosystem Characteristics for Composition, Structure, Function, and Connectivity**

Composition	Structure	Functions (Ecological Processes)¹	Connectivity²
<ul style="list-style-type: none"> ● Presence and distribution of species that have a significant effect on species diversity and ecosystem function (for example, keystone species and ecological engineers). ● Landforms, including those adjacent to stream channels, such as floodplains and inner gorges. ● Types and locations of wetlands, lakes, and ponds. ● Distribution and extent of major soil types and landforms. 	<ul style="list-style-type: none"> ● Riparian, wetland, and groundwater-dependent habitat structure. ● Locations of tributaries and tributary junctions. ● Lake morphometry including depth, width, and shoreline development. ● Soil texture, bulk density, and microtopography. ● Tropospheric ozone impacts to vegetation. ● Distribution of stream diversions and impoundments. ● Extent of stream dewatering and channel alteration. 	<ul style="list-style-type: none"> ● Fire regime condition class, as a measure of departure from the reference conditions in vegetation types and fire frequency and severity. ● Stream and lake temperature and nutrient regimes. ● Hydrologic flow regimes including time, duration, magnitude. ● Sediment transport including timing and duration. ● Biogeochemical cycling, including nitrate and phosphate concentrations, methylmercury, and acid neutralizing capacity. ● Rate of invasion by invasive species. ● Soil productivity. 	<ul style="list-style-type: none"> ● Watershed morphometry and hydrology attributes, such as elevation, aspect, drainage patterns, patterns of groundwater recharge and discharge, distribution of perennial, intermittent, and ephemeral channels. ● Ability of native species to move throughout the plan area, and cross into adjacent areas, to use habitat that fulfills their life cycle needs (for example, breeding, foraging, sheltering). ● Hydrologic flow regimes including time, duration, magnitude. ● Sediment transport including timing and duration. ● Rate of invasion by invasive species.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.14 - Exhibit 01—Continued****Examples of Potential Key Ecosystem Characteristics for Composition, Structure, Function, and Connectivity**

Composition	Structure	Functions (Ecological Processes)¹	Connectivity²
	<ul style="list-style-type: none"> • Watershed morphometry and hydrology attributes, such as elevation, aspect, drainage patterns, patterns of groundwater recharge and discharge, distribution of perennial, intermittent, and ephemeral channels. • Quality, quantity, timing and distribution of water resources across watersheds and aquifers. • Air quality as measured in concentration and deposition of pollutants over an area. 		

¹ Including those not observed directly but inferred from appropriate indicators.² Examples of connectivity are often redundant with examples of composition, structure, or function.

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One or more of the following criteria should guide the selection of key ecosystem characteristics:

1. The characteristic is important to defining ecosystem integrity and meaningful in developing plan components. For example, the characteristic:
 - a. Is important to the functions and ecological processes that create or maintain ecosystems and their associated services;
 - b. Is important to defining representativeness (FSH 1909.12, zero code, sec. 05);
 - c. Describes stressors and possible effects of stressors (sec. 12.3);
 - d. Is important to defining redundancy (FSH 1909.12, zero code, sec. 05); or
 - e. Is important to defining existing ecological integrity using biological or ecological indices.
2. The characteristic is measurable or can be mapped, and may be analyzed at the scale appropriate to the plan area or can be ranked and assessed by experts;
3. The characteristic should respond to direct or indirect manipulation or modification that is within the control of the Forest Service, or indicate something about the limits to Forest Service authority or the inherent capability of the land;
4. The characteristic describes ecological conditions needed for threatened, endangered, proposed, candidate, or species of conservation concern;
5. The relevant information is available; or
6. The characteristic is useful for serving multiple purposes of the assessment.

12.15 - Assessing Ecosystem Integrity

The assessment of ecosystem integrity to the extent there is available information involves the following steps:

1. Describing the ecological conditions of the key ecosystem characteristics that would sustain ecosystem integrity, using NRV information or an alternative approach when NRV information is lacking (sec. 12.15a and sec. 12.15b);
2. Describing the current ecological conditions relevant to the key ecosystem characteristics of these ecosystems (sec. 12.15c);

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3. Comparing the present condition of the selected key ecosystem characteristics to those that would sustain ecosystem integrity to determine the status of each key ecosystem characteristic (12.15d); and
4. Describing any future trends or vulnerabilities relevant to the key ecosystem characteristics (sec. 12.15d).

12.15a - Describing the Natural Range of Variation (NRV)

The NRV is an analysis tool for assessing the ecological integrity of selected key ecosystem characteristics (FSH 1909.12, zero code, sec. 05 defines NRV). The NRV represents the distribution of conditions under which ecosystems developed. In this Handbook, the NRV approach is a tool for assessing ecological integrity and does not constitute a management target or desired condition. The NRV approach gives context for evaluating the integrity of current conditions, and identifying important compositional, structural, and functional elements that may warrant restoration. The responsible official may, however, use alternatives to the NRV approach for assessing ecological integrity as described in section 12.15b.

The responsible official should describe the NRV through review and synthesis of available information relevant to the plan area and selected key ecosystem characteristics of terrestrial, aquatic, and riparian ecosystems. Information may include scientific journal articles, historical records and photographs, early surveys, pollen and sediment records, tree ring analyses, or descriptions of reference areas. The responsible official may adapt the NRV analysis from another NFS unit and make adjustments to fit the local conditions. Refer to Wiens et al. 2012 for further discussion and examples.

When used, the NRV should be described as a range of conditions over the time period selected for analysis. Some conditions may have occurred frequently, and others may have occurred rarely. When describing the NRV, the responsible official may consider the following:

1. Determine the reference period. A reference period is the time period used to estimate the NRV under the relevant disturbance regimes within the plan assessment area. The time period may vary for different characteristics:
 - a. The temporal scale considered should be sufficiently long to include the full range of variation produced by dominant natural disturbance regimes. This often encompasses several centuries for such disturbances as fire and flooding;
 - b. The reference period should generally be a period to include the time before widespread European or European-American settlement; and
 - c. Human influences during the reference period should be described.

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2. Characterize the NRV of disturbance regimes. Describe how key ecosystem characteristics are influenced by dominant disturbance regimes (defined in FSH 1909.12, zero code, sec. 05) that operate at spatial scales consistent with the plan assessment area and their variability. Descriptions of disturbance processes may include:

- a. Type of disturbance;
 - b. Frequency and range in time intervals between disturbances;
 - c. Severity including the range of the area or patch sizes impacted and intensity of the disturbance;
 - d. Landscape pattern (including patch size distribution, connectivity, and association with the physical environment), and how patterns change temporally due to variations in disturbance frequency and severity; and
 - e. How disturbance regimes (such as insects and diseases, weather, flooding, and fires) influence the structure, composition, and successional states of terrestrial vegetation and aquatic and riparian systems.
3. Estimate the spatial distribution of conditions of selected key ecosystem characteristics, including one or more of the following approaches:
- a. Apply an understanding of physical environmental influences and disturbance regimes on ecosystem development; or
 - b. Use the distribution of existing biological communities to make inferences about conditions that are likely to have existed in the past.

12.15b - Alternatives to the Natural Range of Variation Approach

In some situations, there is too little information for some of the selected key ecosystem characteristics to understand the NRV under historical disturbance regimes. In these cases, the responsible official should base the context for evaluating ecosystem integrity on a general scientific and ecological understanding of the conditions that would sustain these key ecosystem characteristics. This context for evaluation may include the following factors:

1. Representativeness (defined in FSH 1909.12, zero code, sec. 05);
2. Effects of stressors and how they are likely to have affected ecosystem integrity;
3. Redundancy (defined in FSH 1909.12, zero code, sec. 05);
4. Habitat associations of particular species or species groups with different home ranges, migration patterns, and/or habitat affinities; or

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5. Existing biotic integrity, through the use of biological or ecological indices.

Several of these factors may be used in combination with each other.

12.15c - Current Condition and Trend of Key Ecosystem Characteristics and Integrity

When evaluating current conditions and trends of key ecosystem characteristics, the responsible official should consider:

1. The key ecosystem characteristics and associated physical, chemical, and biological processes that are functioning and would likely continue to function in a way that contributes to ecosystem integrity over time;
2. The key ecosystem characteristics and associated processes that have been altered, eliminated, or are declining or increasing in extent and/or quality, or may have declined or increased in the past, including changes in the spatial patterning;
3. The spatial distribution and types of existing and reasonably foreseeable barriers to ecological connectivity for terrestrial and aquatic organisms;
4. The key ecosystem characteristics or processes that are rare in the plan area or otherwise inherently vulnerable to future environmental change;
5. The key ecosystem characteristics or processes that may need to be maintained or restored through future projects or activities;
6. The current role or contributions of the plan area to the key ecosystem characteristics or processes relevant to the broader landscape;
7. The influences on key ecosystem characteristics or processes because of existing conditions, threats, or stressors from beyond the plan area; and
8. The future trend of those key ecosystem characteristics or processes under existing plan guidance.

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To describe the current condition of riparian and aquatic ecosystems, the responsible official may consider describing:

1. The ecological connectivity, using the spatial distribution and barrier effects of obstructions to aquatic organisms and other biotic (transport or dispersal processes) and abiotic (sediment, nutrients, water, and material) passage; and
2. The stressors such as changes in flow regime and dewatering, channelization, invasive species, changes in sediment delivery to channels, herbivory, wildfire, and fuel buildup.

12.15d - Status of Ecosystem Integrity

The responsible official should document the status of ecosystem integrity in the assessment. Where information is available, the responsible official should consider the influence of climate change, and other large-scale threats and stressors, on the key ecosystem characteristics to evaluate their vulnerability to likely future conditions (sec. 12.3).

The responsible official should evaluate and document the status of ecosystem integrity for key ecosystem characteristics that are important to inform the development of plan components and other plan content. The evaluation should:

1. Compare the current conditions of the key ecosystem characteristics (sec. 12.15c) with the NRV information (sec. 12.15a), or evaluate if the current condition of the characteristic would sustain ecosystem integrity using an alternative approach when NRV information is lacking (sec. 12.15b). For riparian areas, overall riparian condition typically requires comparison to NRV or some historic condition. Stream, wetland, and water body classifications may be useful in identifying “like systems” for comparison with those of interest;
2. Describe the projected future status of the key ecosystem characteristic assuming management consistent with current plan direction;
3. Compare the projected future status of the key ecosystem characteristic to current conditions including effects of climate change;
4. Describe the proportional occurrence of the key ecosystem characteristic both beyond and within the plan area by:
 - a. Comparing the occurrence of the characteristic in the plan area to the occurrence at the broader ecological scales to place the contribution of the plan area in a larger landscape context;
 - b. Identifying patterns in the occurrence of each key ecosystem characteristic in the plan area and identify deviations from historical conditions; and

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- c. Identifying key ecosystem characteristics that are over- or under-represented in the plan area, and those that are rare or under-represented in the larger area of analysis.
5. Identify whether the comparisons between conditions that sustain ecosystem integrity, current conditions, and projected future conditions indicate if one of the following are true for the key ecosystem characteristics being analyzed:
 - a. The key ecosystem characteristic is functioning in a way that contributes to ecosystem integrity and sustainability over time and is expected to continue to do so under current plan direction;
 - b. The key ecosystem characteristic is not currently contributing to ecosystem integrity, but with changes to current plan direction, could do so in the future; or
 - c. The key ecosystem characteristic is not expected to contribute to ecosystem integrity in the future due to threats or stressors that are not within the authority of the Forest Service, or are inconsistent with the inherent capability of the land.

12.2 - Assessing Air, Soil, Riparian Areas, and Water Resources

The responsible official shall evaluate available information about air, soil, and water resources that is important to inform the development of plan components and other plan content. For additional information see 36 CFR 219.6(b) and section 11 of this Handbook.

12.21 - Assessing Air

The responsible official shall identify and evaluate available information relevant to the plan area for terrestrial, aquatic, and riparian ecosystems, and watersheds as well as air, soil, and water resources and quality. (36 CFR 219.6(b))

The terms discussed in this section, “airshed” and “critical loads,” are defined in section 10.5. National scale critical load information is available from the Watershed Condition Classification Technical Guide (USDA Forest Service 2011a). In addition, regional staff may have developed more geographically refined critical load information appropriate for the plan area.

Using available information, including information available from governmental agencies and regional planning organizations that is important to inform the development of plan components and other plan content, the responsible official should at the airshed scale:

1. Identify the airsheds relevant to the plan area;
2. Identify the location and extent of known sensitive air quality areas, such as Class I areas, non-attainment areas, and air quality maintenance areas;

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3. Identify emission inventories, conditions, and trends relevant to the plan area;
4. Identify the Federal, State, and Tribal governmental agency implementation plans for regional haze, non-attainment, or maintenance areas (including assessing whether Forest Service emission estimates have been included in the appropriate agency implementation plans); and
5. Identify critical loads when critical loads are relevant concerns in the planning process.

Based on the above information the assessment should characterize and evaluate the status of airsheds and air quality relevant to the plan area assuming management consistent with current plan direction.

12.22 - Assessing Soil

Using available information, that is important to inform the development of plan components and other plan content, at the plan area scale, the responsible official should:

1. Identify and evaluate available information on soils and sites, including geology and geomorphology, and other components of the terrestrial physical environment important to ecological integrity and soil quality (defined in FSM 2550.5);
2. Identify current inventories of soil conditions and improvement needs; and
3. Identify important attributes or characteristics of soils and sites that make them susceptible to loss of integrity resulting from specific uses, disturbances, or environmental change.

Based on the above information, the assessment should characterize and evaluate the status of soil resources and soil quality assuming management consistent with current plan direction.

12.23 - Assessing Water Resources

Using available information, the assessment should characterize and evaluate the status of watersheds and water resources (surface and ground water) and their role in sustaining the structure and function of terrestrial, riparian, and aquatic ecosystems within the plan area and the larger area of analysis assuming management consistent with current plan direction. In addition, the responsible official should consider the potential role of the larger area of analysis on the status of watersheds and water resources within the plan area. Watersheds relevant to the plan area should include those non-NFS lands that contribute surface or subsurface water flows to the plan area, and those non-NFS lands that receive surface or subsurface water flows from the plan area.

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When there is available information that is important to inform the development of plan components and other plan content, the responsible official should consider the following at the appropriate watershed scale:

1. The condition of watersheds relevant to the plan area, paying particular attention to the presence of impaired or contaminated waters within or adjacent to the plan area and the larger area of analysis. For NFS lands, the responsible official should consider the information generated through the Watershed Condition Classification Technical Guide (WCC) (USDA Forest Service 2011a), step A of the Watershed Condition Framework (WCF) (USDA Forest Service 2011b), and the designated WCF Priority Watersheds;
2. The quantity, quality, timing, and distribution of water across the plan area and the area of analysis, including for groundwater resources and groundwater-dependent ecosystems;
3. The historic context (such as NRV) for water resources under which the hydrologic systems developed;
4. The flow regimes needed to sustain the biotic and abiotic integrity of aquatic ecosystems;
5. The nature, extent, and role of existing and reasonably foreseeable future consumptive (most human uses) and non-consumptive uses (such as, for recreation, species habitat conservation, restoration, and so on) and water withdrawals, diversions, storage, and the associated infrastructure, paying particular attention to aquatic listed species and population centers in proximity to the area of analysis.
6. Characterize the nature and distribution of Federal and non-federal water rights across the plan area;
7. Any essential fish habitat designated by NOAA Fisheries.
8. The reasonably anticipated future patterns of perturbation (such as, influence of changing climate, flood, drought, altered precipitation, and evapotranspiration patterns) and reasonably foreseeable future water withdrawals and diversions, water storage facilities (surface and subsurface), municipal watersheds, sole source aquifers, and source water protection areas within the plan area and the area of analysis;
9. The effects of land use, projects, and activities, and other stressors on hydrologic and geomorphic processes and water resources; and
10. The ecological, social, and economic roles (both process and services) that water resources play in the context of the broader landscape.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.24 - Assessing Riparian Areas**

When there is available information, the responsible official should identify and evaluate riparian areas in the plan area for the assessment. This identification must be relevant to the development of plan components under 36 CFR 219.8(a)(3). The identification of riparian areas may be by one or more of the following methods:

1. Identify information on the location and extent of surface waterbodies, vegetation, geology, soils, geomorphology, topography, and other relevant information associated with riparian areas;
2. Identify vegetation indicators of riparian areas that include regionally distinctive riparian vegetation or the potential to support regionally distinctive vegetation;
3. Identify fluvial geomorphic indicator criteria for riparian areas that may include break in slope, evidence of fluvial deposition, high water marks, lack of upland soil formation, and lichen growth on rocks;
4. Identify riparian areas determined by 100-year recurrence interval flood stage where available and relevant to delineation of riparian areas in the plan area for the development of plan components; and
5. Identify existing site-specific riparian area delineations when available.

Also identify existing direction related to riparian area management, such as existing buffers or management areas. Based on the above information, the assessment should characterize and evaluate the status of riparian areas assuming management consistent with current plan direction.

12.3 - Assessing System Drivers and Stressors

The planning regulation at 36 CFR 219.6(b) requires that the responsible official shall identify and evaluate available information relevant to the plan area for:

(3) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change. . .

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.31 - Consideration of System Drivers**

When there is available information, the responsible official should identify and assess system drivers of key ecosystem characteristics of terrestrial, aquatic, and riparian ecosystems and watersheds and consider:

1. Natural disturbance regimes. The responsible official may:
 - a. Describe the natural disturbance regimes during the reference period (such as NRV) (sec. 12.15);
 - b. Compare the reference period regimes to the type and frequency of current natural disturbances; and
 - c. Determine whether disturbance regimes have been disrupted to a degree that impairs ecological integrity.
2. Predominant climatic regimes. The responsible official may evaluate predominant climatic regimes by evaluating climate characteristics such as precipitation, temperature, growing season, or drought;
3. Broad-scale disturbance regimes. The responsible official may:
 - a. Evaluate broad-scale disturbance regimes such as wildfire, wind, flooding, insects, and disease where applicable; and
 - b. Identify uncharacteristic conditions, such as where fire exclusion results in reduced opportunity for re-establishing earlier seral stages or increased potential for a disproportionate amount of earlier seral stages.
4. Natural vegetation succession. The responsible official may:
 - a. Identify human-caused changes in successional pathways that may maintain vegetation in an uncharacteristic age or size-class condition; and
 - b. Consider scarcity and abundance of successional states relative to the reference period.

12.32 - Consideration of Stressors

FSH 1909.12, zero code, section 05 defines “stressors.” Examples of stressors include invasive species impacts, loss of spatial connectivity, disruption of natural disturbance regimes, and influence of climate change.

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The responsible official should identify and characterize stressors that directly or indirectly degrade or impair key ecosystem characteristics and ecological integrity. When identifying and characterizing stressors the responsible official may consider the following:

1. Geographic extent;
2. Duration and return interval, if applicable;
3. Severity and trends in severity;
4. Environmental consequences, including whether the changes in conditions of key ecosystem characteristics related to stressors are approaching breaking points of ecosystems at which the pressures lead to abrupt changes in the ecosystem;
5. Reversibility (manageability); and
6. Cumulative and indirect effects of multiple stressors.

When there is available information, the responsible official may assess stressors by considering the following:

1. Stressors associated with irreversible conditions, beyond which ecosystems reorganize and transition to an alternate state;
2. Stressors not controllable through management of the plan area that may affect conditions within the plan area, such as influences of changing climate, alterations of precipitation patterns, changing land-use patterns adjacent to NFS units, water storage facilities, or hydropower facilities upstream or downstream from NFS units;
3. Influence of changing climate and other large-scale stressors on the key ecosystem characteristics, and their resulting vulnerability to likely future conditions;
4. The ability of ecosystems within the plan area to adapt to changes imposed by stressors while retaining their ecological integrity; and
5. Stressors and threats to riparian conditions, such as changes in flow regime, hydrograph timing, water withdrawals and dewatering, channelization, invasive species, changes in sediment delivery to channel, herbivory, water temperature or chemistry (such as heavy metals), wildfire, and fuels.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.4 - Assessing Carbon**

The responsible official shall identify and evaluate available information relevant to the plan area for baseline assessment of carbon stocks. (36 CFR 219.6(b))

A baseline assessment is an evaluation of the information available about current carbon stocks and recent changes in carbon stocks on the land and in harvested wood products.

The purpose of the baseline carbon assessment of 36 CFR 219.6(4) is to assess issues associated with climate change. Another purpose is to assess the role of carbon in maintaining the long-term site productivity in the plan area. The responsible official should use the assessment of carbon stocks to understand:

1. How the plan area plays a role in sequestering and storing carbon; and
2. How disturbances, projects, and activities influence carbon stocks in the past and may affect them in the future.

When there is available information, the baseline carbon assessment may consider the following:

1. Whether there are existing conditions and trends of forest vegetation (aboveground carbon pool) indicating the plan area is a carbon sink or carbon source;
2. The future trend of the plan area in sequestering and storing carbon under existing plan guidance: and
3. Potential opportunities to change plan components to influence these trends.

12.41 – Assessing Carbon Stocks

Using available information, the responsible official should assess carbon stocks. If information is available, the assessment may include the change over time (flux) of carbon stocks within those pools.

The identification of carbon stocks may be done on a plan area, a multi-plan area, State, or regional basis, or at a different appropriate ecological scale so long as the results can be separated by plan area.

Using available information, the responsible official may consider developing separate estimates for forest and non-forest (for example, grassland, shrubland) ecosystems.

Potential information sources include:

1. Forest Inventory and Analysis (FIA) program information and reports.

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2. Soil surveys conducted by the USDA Natural Resources Conservation Service.
3. Timber cut and sold reports and stand exams.
4. Scientific literature applicable to the plan area.
5. Allometric equations or models (for example, Forest Vegetation Simulator, Northeast Decision Model).

12.42 - Assessing the Influences on Carbon Stocks

Using available information, the responsible official should identify those influences on carbon stocks that are under Forest Service management authority. Those influences may include disease, insects, growth, timber harvest, or wildfire. Consider using information evaluated according to section 12.3, regarding system drivers and stressors. Examples of potential information sources include:

1. Wildfire history maps and other information (for example, trends in burn severity).
2. Forest health monitoring information (for example, aerial detection maps of recent insect and disease mortality).
3. Timber harvest cut and sold report.

12.5 - Identifying and Assessing At-Risk Species in the Planning Process

The responsible official shall identify and evaluate available information relevant to the plan area for threatened, endangered, proposed, and candidate species and potential species of conservation concern present in the plan area. (36 CFR 219.6(b))

Based on available information, the responsible official shall identify and document the set of at-risk species and evaluate plan area ecological conditions for these species in the assessment. The set of at-risk species for planning purposes are:

1. Federally recognized threatened, endangered, proposed, and candidate species (sec. 12.51).
2. Potential species of conservation concern (sec. 12.52).

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.51 - Identifying Federally Recognized Species**

As a part of the assessment and planning process, the responsible official shall coordinate with the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries), as appropriate, to identify federally listed threatened and endangered species, species proposed for Federal listing, and candidate species that are relevant to the plan area and planning process.

12.52 - Identifying Potential Species of Conservation Concern

The regional forester is responsible for identifying the species of conservation concern (SCC) for a plan area and for determining that the identification of each SCC for a plan area is based upon the best available scientific information. (36 CFR 219.9(c))

(3) The regional forester shall identify the species of conservation concern for the plan area in coordination with the responsible official.
(36 CFR 219.7(c))

(b) Content of the assessment for plan development or revision. In the assessment for plan development or revision, the responsible official shall identify and evaluate existing information relevant to the plan area for the following:

(5) . . . potential species of conservation concern present in the plan area. . . (36 CFR 219.6)

(c) Species of conservation concern. A species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area.

(36 CFR 219.9)

In the assessment phase, the responsible official shall coordinate with the regional forester when identifying the potential SCCs relevant to the plan area and the planning process. The identification of potential SCCs for the assessment may be conducted in several ways including:

1. The regional forester and responsible official may jointly develop the list of potential SCCs for the plan area.
2. The responsible official may identify an initial list of potential SCCs for review by the regional forester, who may concur or request modifications.

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3. The responsible official and regional forester may review and adjust a previously developed list of potential SCCs derived from plan area or multi-plan area studies or broad-scale assessments.
4. The regional forester may develop an initial list of potential SCCs for each plan area within the region and the responsible official may adopt and assess the species on this list or request modifications.

The list of potential SCCs must include the following:

1. Species with status ranks of G/T 1 - 2 on the NatureServe ranking system, which categorizes the viability status of species. See exhibit 01 for description of NatureServe Conservation Status Ranks. (<http://www.natureserve.org/explorer/ranking.htm>);
2. Species that have been petitioned for Federal listing and for which a positive “90-day finding” has been made; and
3. Species that are federally delisted within the past 5 years, and other delisted species for which regulatory agency monitoring is still considered necessary.

When developing the list of potential SCCs, consideration must also be given to:

1. Species with status ranks of G/T 3 or S 1-2 on the NatureServe ranking system, which categorizes the viability status of species.;
2. Species listed as threatened or endangered by the relevant States, federally recognized Tribes, or Alaska Native Corporations;
3. Species identified on other relevant Federal, State, federally recognized Tribes, or Alaska Native Corporations lists as being a high priority for conservation;
4. Species identified as SCCs in adjoining NFS plan areas (including plan areas across regional boundaries); and
5. Species where valid available information indicates the species are of local conservation concern due to:
 - a. Significant threats to populations or habitat from stressors on and off the plan area.
 - b. Declining trends in populations or habitat.
 - c. Restricted ranges (for example, narrow endemics, disjunct populations, or species at the edge of their range).
 - d. Low population numbers or restricted habitat within the plan area.

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All potential SCCs must meet the following mandatory requirements for their identification as an SCC:

1. The species must be a native species in the plan area, with a plan area occurrence record for the species within the last 10 to 15 years; and
2. The best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area. This information may be derived from the scientific literature, species studies, habitat studies, analyses of information obtained from a local area, and/or the result of expert opinion or panel consensus.

A species should not be identified as a potential SCC if:

1. The species is secure and its continued long-term persistence in the plan area is not at risk based on knowledge of its abundance, distribution, lack of threats to persistence, trends in habitat, and responses to management.
2. There is insufficient scientific information available to conclude that there is a substantial concern about the species capability to persist in the plan area over the long term.
3. Its occurrence is thought to be “accidental,” well outside its current range.

The list of potential SCCs identified in the assessment may be further modified during the planning process before approval of the plan.

Document the rationale for identifying potential SCCs and the best available scientific information supporting the identification process in the planning record.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.52 - Exhibit 01****NatureServe Conservation Status Ranks**

NatureServe conservation status ranks are based on a scale of one to five, ranging from critically imperiled (G1) to demonstrably secure (G5). Status is assessed and documented at three distinct geographic scales-global (G), national (N), and state/province (S). The conservation status of a species or ecosystem is designated by a number from 1 to 5, preceded by a letter reflecting the appropriate geographic scale of the assessment (G = Global, N = National, and S = Subnational). The numbers have the following meaning:

1. Is equal to critically imperiled
2. Is equal to imperiled
3. Is equal to vulnerable
4. Is equal to apparently secure
5. Is equal to secure.

Intraspecific taxa refer to subspecies, varieties and other designations below the level of the species. Intraspecific taxon status ranks (T-ranks)The status of intraspecific taxa (subspecies or varieties) are indicated by a “T-rank” following the species' global rank. Rules for assigning T-ranks follow the same principles outlined above. For example, the global rank of a critically imperiled subspecies of an otherwise widespread and common species would be G5T1.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**12.53 - Evaluating Relevant Information for At-Risk Species**

Section 12.5 defines the set of at-risk species for planning purposes. The responsible official shall evaluate relevant available information on the set of at-risk species to understand the ecological conditions necessary to sustain them. Information may come from a variety of sources, including Federal and State agencies, literature, local information on occurrence and population status, sub-basin analyses, broad-scale assessment, and information available from local species experts and other organizations. The responsible official may consider the following types of information or other relevant available information:

1. Current taxonomy.
2. Distribution (including historical and current trends), especially species known from only a relatively few, discrete locations, and the status of those locations.
3. Abundance (including historical and current trends).
4. Demographics and population trends, including population effects resulting from hunting, fishing, trapping, and natural population fluctuations if available.
5. Diversity (phenotypic, genetic, and ecological).
6. Habitat requirements at appropriate spatial scales (fine-scale, home range, geographic range).
7. Habitat amount, quality, distribution, connectivity, status and trends.
8. Ecological function.
9. Important biological interactions and ecological processes, such as periodic fire, flooding, groundwater discharge, and so on.
10. Limiting factors.
11. Uncharacteristic natural events like severe wildfire or insect epidemics.
12. Effects of climate change and susceptibility to stressors caused by human disturbances or activities like air and water pollution, invasive species, trails, roads, and dams.
13. Endangered Species Act related information, for example biological opinions, critical habitat designations, and recovery plans

The assessment phase focuses on rapidly evaluating available information, not on developing new information, about ecological conditions or about individual species. In the assessment

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report, the responsible official should document information gaps relevant to at-risk species that may be filled in through inventories, plan monitoring program, or research.

12.54 - Optional Grouping of Species

In some cases, it may be more practical or efficient to group at-risk species for identifying and evaluating relevant information about them because they have similar ecological conditions and habitat needs. Grouping species acknowledges that the ecological needs of some species are similar enough to assess and evaluate them as a group. Grouping at-risk species in the assessment phase is strictly an analysis and evaluation tool that may be used to improve planning efficiency. If species are grouped for planning purposes:

1. Clearly describe the rationale for grouping species, including critical assumptions made and any uncertainties associated with including a species in the group.
2. Explain why assumptions are reasonable, and why the degree of uncertainty is acceptable.

As a basic approach, groupings may be based on vegetation type, successional stage of vegetation, stream size, valley bottom configuration, lake size, proximity or access to groundwater, or wetland type. Such groupings should consider the vegetation types, structural stages, hydrogeomorphic factors, and other key ecological conditions used by each species. Once groups are identified, ecological conditions for individual species in each group may be further described using attributes such as those enumerated under section 12.53.

12.55 - Status of At-Risk Species

The responsible official shall evaluate the status within the plan area of at-risk species considering the current plan direction, the available information (sec. 12.53), and the status of ecosystem integrity (sec. 12.15c). This process should address current species status and the ecological conditions needed to support the species. The assessment should identify influences on ecological conditions both on and off the plan area. This process should identify key risk factors that later may be used to inform the development of plan components.

This aspect of the evaluation process should compare the current ecological conditions to those that supported the historical persistence of the species within the plan area (such as NRV), and where possible, in the context of projected or potential future conditions. Use general ecological principles when little or no quantitative information is available regarding the ecological conditions required by the species.

The following general guidance applies to this evaluation process:

1. Relative to historical conditions (such as NRV), evaluate current and expected future ecological conditions within the plan area and the connection between ecological conditions (terrestrial and aquatic) and changes to species populations. Focus on the

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information and factors enumerated under section 12.53, including trends in the factors over time.

2. Evaluate human-related stressors (for example, roads, disturbance and displacement, dams, and so on).
3. Evaluate other threats and limiting factors or cumulative effects identified from existing assessments, environmental impact statements, final rules issued by NOAA Fisheries and FWS, or other sources.
4. Evaluate outcomes to species over a range of timeframes from short- to long-term.
5. Conduct the evaluation at the scale of biological populations. If the appropriate scale for the evaluation extends outside the plan area, consider effects of other land ownerships and actions outside of NFS lands.

Summarize the overall status of each at-risk species or species group with explanations of which key risk factors weighed most heavily in determining status. Describe the effect of key risk factors on species in simple terms such as the level of resulting vulnerability and the trend in that vulnerability. State the conclusions of the vulnerability status process for each species in a way that is helpful in identifying the need for change and in developing plan components that provide the ecological conditions necessary to sustain the species.

Document the resulting information and status evaluation in the planning record.

13 - ASSESSING SOCIAL AND ECONOMIC SUSTAINABILITY AND MULTIPLE USES

The planning rule contains specific requirements for the assessment of social and economic sustainability and multiple uses. See 36 CFR 219.5(a), 36 CFR 2195(b), and secs 11 and 11.11 of this Handbook.

Sections 13.1 through 13.9 describe considerations for assessing these topics. While these sections cover the topics individually, responsible officials are encouraged to integrate these topics together in the assessment and assessment report. An important source of information for the topics will be the Forest Service Natural Resource Manager (NRM).

NRM is both a database system and a national Forest Service staff. The staff is responsible for coordinating software development activities to meet critical Agency business needs. The NRM staff manages the NRM database system by the use of database tools for managing Agency data. The NRM applications include the Forest Service Activity Tracking System (FACTS), the Infrastructure (Infra), the Natural Resource Information System (NRIS), and the Timber Information Manager (TIM) applications. The NRM staff provides tools for most of the Agency's natural resource business areas. Each section below discusses relevant elements of the

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NRM databases. The public may access information about NRM at: <http://www.fs.fed.us/nrm/index.shtml>. Forest Service employees may access support and training at: <http://fsweb.nrm.fs.fed.us/>.

13.1 - Assessing Social, Cultural, and Economic Conditions

The responsible official shall identify and evaluate available information relevant to the plan area for social, cultural, and economic conditions. (36 CFR 219.6(b))

When there is available information, the responsible official should:

1. Identify and evaluate the social, cultural, and economic context of the landscape to which the plan area contributes.
2. Identify and evaluate the important social, cultural, and economic influences on the plan area.
3. Identify and evaluate how the plan area influences key social, economic, and cultural conditions.

13.11 - Social, Cultural, and Economic Context

The responsible official may identify an area of influence to serve as the primary spatial scale to evaluate social, cultural, and economic conditions. The responsible official may solicit public input on the appropriate boundaries of the area of influence. This area of influence should be commensurate with the important influences of the plan area on social, cultural, and economic conditions. Social and economic information as well as some cultural information is often available at the level of counties, so the area of influence may be a set of counties. Readily available social, cultural, and economic information may be used to characterize the social, economic, and cultural conditions in the area of influence. This area of influence can be used later to describe social, cultural, and economic effects of the plan alternatives in the environmental impact statement (EIS) for a plan revision. This may include information such as:

1. Demographic data such as age, gender, and home ownership.
2. Health information and statistics, including disabilities.
3. Safety information about risks to the public related to the plan area.
4. Levels of education.
5. Important cultural traditions.
6. Communities (urban, rural, suburban) and their characteristics and values.

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7. Concentration or dispersion of populations.
8. Important sectors to the economy.
9. Employment and unemployment.
10. Levels and sources of income (wages, transfer payments, and so on).
11. Household or per capita income.
12. Limited English proficiency levels.

The responsible official may choose to evaluate multiple areas of influence if there are different spatial areas for economic, social, or cultural influences of the plan area. The responsible official may also identify and evaluate other important social, economic, or cultural conditions influenced by the management of the plan area beyond the area of influence.

13.12 - Important Social, Cultural, and Economic Influences on the Plan Area

Using available information, the responsible official should briefly describe the types of social, economic, or cultural influences that are affecting the plan area. These may include:

1. Demands for specific resources, recreation opportunities, or other ecosystem services.
2. Social pressures for specific uses, environments, or management.
3. Cultural influences related to traditional uses of the plan area by various communities, Indian Tribes, and Alaska Native Corporations.

13.13 - How the Plan Area Influences Key Social, Cultural, and Economic Conditions

The key social, cultural, and economic conditions for the assessment are those conditions that are influenced by the management of the plan area and the likely components of the land management plan. Many of the social, cultural, and economic conditions identified in the social, cultural, and economic context may not be substantially influenced by the management of the plan area.

Using available information, the responsible official should identify and evaluate information about the plan area's relationship to these key social, cultural, and economic conditions such as:

1. Identifying the key social, cultural, and economic conditions influenced by plan area management and how management of the plan area influences these conditions.

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2. Identifying trends affecting these key social, cultural, and economic conditions of the area(s) of influence or the broader landscape.
3. Opportunities of the plan area to contribute to social, economic, and ecological sustainability.

In identifying and evaluating key social conditions for purposes of the assessment phase, the responsible official may consider conditions such as:

1. Activities and traditions that connect people to the plan area such as recreation, education, and interpretation activities and opportunities.
2. Sense of place within the plan area.
3. Settlement patterns, land-use change, and land-use conflicts within or near the plan area.
4. Influence of the plan area in supporting community health and safety or adverse conditions to the public such as accidents, pollution or crime.
5. Other key conditions and trends described in sections 13.2 through 14.

In identifying and evaluating key cultural conditions for purposes of the assessment phase, the responsible official may consider conditions such as:

1. Activities, cultural events, and values of the community expressed about the plan area.
2. Historical legacies and cultural or artistic connections between the plan area and communities.
3. Location of and access to fishing, hunting, or plant harvesting areas within or near the plan area.
4. Other key conditions and trends described in sections 13.2 through 14, including section 13.8 about cultural and historic resources and uses in the plan area.

In identifying and evaluating key economic conditions for purposes of the assessment phase, the responsible official should consider conditions such as:

1. Direct economic contributions from Forest Service expenditures of the plan unit including direct employment and income of Forest Service employees, non-salary expenditures of the Forest Service, and payments to local governments (also indirect and induced economic impacts).

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2. Direct contributions of ecosystem services and multiple uses in the plan areas as described in sections 13.2-14 and opportunities derived from recreational visitors that generate local business opportunities (also indirect and induced economic impacts).
3. Aesthetics of the plan area that may enhance the attractiveness of the area for residents or businesses.
4. Indirect and induced economic impacts generated by the direct contributions of plan area in items 1-3 of this list.

13.14 - Sources of Relevant Existing Information for Social, Cultural, and Economic Conditions

There are varieties of sources that may provide relevant information for the assessment (sec. 13.2 through 13.9). This includes both internal Forest Service information and information from external sources.

Internal sources include:

1. Economic Profile System - Human Dimensions Toolkit for general condition and trend data on employment, income, demography, and so on for counties, regions, or States. Free software is available at <http://headwaterseconomics.org/tools/eps-hdt> (Forest Service employees may access the software at http://fsweb.wo.fs.fed.us/em/HD/eps_hdt.htm).
2. Resources Planning Act assessment data and reports.
3. National Report on Sustainable Forests (<http://www.fs.fed.us/research/sustain/>).
4. IMPLAN (IMpact analysis for PLANning) to identify economic and social conditions (including jobs and income) affected by contributions of the plan area such as grazing, recreation, timber, and restoration.
5. Other social science or economic analysis from local Forest Service research stations.
6. Information on specific uses of the plan area described elsewhere within section 14 of this Handbook such as information specific to the timber and recreation programs (sec. 13.3 and 13.4, respectively).

External information sources include:

1. Reports produced or data evaluated by collaborative partners or special use permittees.
2. Local governments or non-governmental organizations for reports on social and economic relationships between plan-area management and local communities.

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3. Community, county, or State economic assessments and reports.
4. Plans and associated documents of local counties and communities.
5. University publications or other similar academic studies.
6. Indian Tribes or Alaska Native Corporations for information on social, economic, and cultural conditions, local land use, and forest-tribal relations.
7. Relevant analysis or information offered for consideration by the public about social, economic, and cultural conditions.

13.2 - Assessing Benefits People Obtain from the NFS Plan Area

The responsible official shall identify and evaluate available information relevant to the plan area for benefits people obtain from the NFS planning area (ecosystem services). (36 CFR 219.6(b))

The responsible official should identify and evaluate key ecosystem services provided by the plan area that may be influenced by the land management plan. This evaluation should include the condition and trend of these key ecosystem services and the ability of the plan area to provide these ecosystem services in the future. The intent is not to identify all possible ecosystem services provided by the plan area but to identify those ecosystem services that are most important to people in the broader landscape and those that would be most affected by the land management plan. The key ecosystem services identified in the assessment are expected to be tracked further in the planning process.

Ecological, social, and economic conditions and trends on other lands within a broader landscape, as well as drivers or stressors outside the control of the plan area, are likely to affect the provision of and demand for ecosystem services. Those effects may complement, supplement, or hinder the capability of the plan area to contribute ecosystem services.

Using available information, the responsible official should identify and evaluate information about ecosystem services such as:

1. Key ecosystem services contributed by the plan area.
2. The geographic scale at which the plan area contributes to ecosystem services (for example, watersheds, counties, regional markets, or ecoregions).
3. The condition and trend of these key ecosystem services.
4. Drivers likely to affect future demand for and availability of key ecosystem services.

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5. The stability or resiliency of the ecosystems or key characteristics of ecosystems that currently maintain the plan area's key ecosystem services.
6. Influence of non-NFS lands or other conditions beyond the authority of the Forest Service that influence the plan area's ability to provide ecosystem services.

Ecosystem services are the product of functioning ecosystems. As such, the assessment of terrestrial, aquatic, and riparian ecosystems and watersheds (sec. 12.1 and 12.2) will likely provide important information needed for an evaluation of ecosystem services provided by the plan area. Likewise, the evaluation of air, soil, and water resources (sec. 12.2); carbon (sec. 12.4); and topics covered in sections 13.3 through 13.9 provide relevant information about ecosystem services.

13.3 - Assessing Multiple Uses

The responsible official shall identify and evaluate available information relevant to the plan area for multiple uses and their contributions to local, regional, and national economies. (36 CFR 219.6(b))

Multiple-use management contributes a range of benefits and services which can include both tangible objectives and intangible benefits. The multiple-use mandate under the Multiple-use Sustained-Yield Act of 1960 (16 U.S.C. 528-531) and the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.) is not exclusive to a single resource or use, and the sustained-yield principle applies to all multiple-use purposes for which the national forests are administered. Recreation, timber, range, and other resources provide jobs and income to communities, help maintain social cultures, maintain long-standing traditions, connect people to the land, and contribute to the quality of life for many Americans. The following sections 13.31 through 13.35 describe how each of these identified multiple uses should be assessed. The scope of the assessment for each of these multiple uses should be commensurate with the importance of the use in the plan area.

13.31 - Outdoor Recreation

Section 13.4 addresses the identification and evaluation of available information for recreation settings, opportunities, access, and scenic character.

13.32 - Range

Range encompasses permanent forage producing rangelands and temporary or transitory forage producing conditions (such as after timber harvest or a fire) that may be used to sustain ungulate populations or to graze domestic livestock. If applicable to the plan area, the assessment should identify and evaluate how the plan area currently provides grazing forage for domestic livestock on both permanent rangelands and transitory range in forested landscapes. It should further evaluate the conditions and trends associated with productivity and use of forage to identify how

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rangelands and transitory forage range contributes to ecological, social, and economic sustainability.

Using available information, the responsible official should identify and evaluate information about range such as:

1. The current level of grazing activity in the plan area and within the broader landscape.
2. The current range condition in the plan area.
3. Trends influencing the range conditions.
4. Sustainability of the ecological conditions on which grazing depends.
5. The contribution of plan area grazing to social, economic and ecological sustainability.

Internal sources of information include:

1. Forest Service NRM database system.
 - a. IWEB (within Infra) for summary, monitoring, and riparian condition data as well as role of plan area in context or broader landscape.
 - b. Rangeland Inventory and Monitoring.
2. Assessment reports, either broadscale or finescale, that evaluate range conditions.
3. Monitoring information about range conditions or management of livestock.
4. Completed National Environmental Policy Act (NEPA) analyses.
5. Summarized information from,
 - a. 2210 – Range Allotment Management Plan folders, and
 - b. 2230 – Permit Case File folders.
6. Local research station reports or analysis.

External information sources include:

1. Information describing rangeland and grazing conditions.

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2. The conditions and trends in availability and balance of seasonal grazing on private and public lands and its social and economic role.
3. Community, county, and State agricultural and ranching economic assessments and reports.
4. Relevant analysis or information offered for consideration by the public about range conditions or management of grazing.

13.33 - Timber

Timber harvest and production can play an important role in attaining desired conditions for ecological sustainability and can contribute to social and economic sustainability. The assessment should identify and evaluate how timber harvest and production contributes to social, economic, and ecological sustainability. Using available information, the responsible official should identify and evaluate relevant information such as:

1. The current condition of forests in the plan area.
2. The current levels of timber harvest and production in the plan area and within the broader landscape.
3. The ability of timber harvest to affect forest resistance and resilience to stressors such as fire, insects, and disease.
4. The ability of timber harvest to maintain or restore key ecosystem characteristics identified in the assessment of ecological sustainability (sec. 13).
5. The current capacity and trend for logging and restoration services and infrastructure for processing wood within the broader landscape.
6. Key trends that drive the supply and demand for timber or the need for timber harvest in the plan area.
7. Contribution of timber harvest and production in the plan area for ecological, social, and economic sustainability.

Internal sources of information include:

1. Forest inventory data.
2. GIS data on forest cover type, forest health, fuels, or fire activity.
3. Forest management reports (available on the internet at (<http://www.fs.fed.us/forestmanagement/products/index.shtml>)).

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4. Watershed analyses or broad-scale assessments or data from the Watershed Condition Framework or Terrestrial Condition Framework.
5. Collaborative Forest Landscape Restoration Act proposals or data.
6. Forest health data such as insect and disease hazard maps.
7. The assessment of ecological conditions as described in sections 12.1 through 12.15c.
8. NRM, including Timber Information Manager for stewardship contracts and special forest product permits, special uses, grants and agreements, FS Veg, and FS Veg Spatial.
9. Research station reports on topics such as historical and current forest condition, forest resistance and resilience, restoration priorities, inventory and requirements of local sawmills, or forest health conditions.

External information sources include:

1. State or private reports on timber market and harvest trends on public or private lands near the plan area.
2. Reports on restoration opportunity, capacity, or obstacles.
3. State forestry reports or data on forest health.
4. Data on mill capacity and balance of supply to mills from private and public lands.
5. Relevant analysis or information offered for consideration by the public about forests or timber production.

13.34 - Watershed

The assessment should identify and evaluate the contribution of watersheds and water resources to social and economic sustainability. This evaluation can build on information developed to support the assessment in section 12.23 that addresses ecological sustainability. Using available information, the responsible official should identify and evaluate relevant information such as:

1. The contribution of key watersheds, water resources, and water within the plan area to use and enjoyment by the public, both consumptive use including water withdrawals and diversions for agricultural, municipal, and commercial uses and non-consumptive use including water storage for flood control, hydropower, and recreation.
2. The conditions and trends related to water use and enjoyment in the plan area and the broader landscape.

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3. Contribution of water use and enjoyment of water to social and economic sustainability.

Internal sources of information include:

1. NRM and other data management systems.
 - a. Water Rights and Uses database.
 - b. Watershed Condition Classification and Tracking database – indicators, priority selection rationale, and watershed restoration action plans.
 - c. Infra – Dams, Water Systems, and Wastewater Systems databases.
 - d. Range database – stockwater.
 - e. Special Uses Data System – permits involving water withdrawals.
 - f. National Information for Conservation Education database – project wet, fishing derby.
 - g. Wildlife, Fish and Rare Plants Management System – National Fishing Day, fishing derby, water fowl hunting.
 - h. National Visitor Use Monitoring Results – non-motorized water use (rafting, canoeing, swimming, and so forth), motorized water use, and fishing.
2. Designated Municipal Watersheds under FSM 2542.
3. The State and Private Forestry “Forests to Faucets” assessment.
4. Research and Development publications on water use, water withdrawals, visitor use, and so forth.

External information sources include:

1. Recent national water use assessments published by the U.S. Geological Survey every 5 years.
2. Federal agency data on power generation and flood control from the U.S. Department of Energy (DOE), Federal Energy Regulatory Commission (FERC), Bureau of Reclamation (BOR), and U.S. Army Corps of Engineers (USACE).
3. State agency data on fishing, hunting, boating, and swimming uses of water bodies.

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4. State agency data on water withdrawals from groundwater and surface water.
5. Non-governmental organizations and academic publications on uses of water and recreation activities related to water.
6. Other relevant analysis or information offered for consideration by the public about water resources used or enjoyed by the public.

13.35 - Fish and Wildlife

The fish and wildlife of NFS lands are an important resource enjoyed by people in a variety of ways. Sections 12.1 through 12.42 describe the evaluation of ecological conditions that support fish and wildlife. The evaluation process for identifying at-risk species is in sections 12.5 through 12.55. For purposes of this section, the focus of the assessment is on the contribution of fish and wildlife to social and economic sustainability. Using available information, the responsible official should identify and evaluate relevant information such as:

1. Fish, wildlife, and plant species commonly enjoyed and used by the public for hunting, fishing, trapping, gathering, observing, or sustenance.
2. The conditions and trends in the plan area associated with these species.
3. The contribution of the use and enjoyment of these species to social and economic sustainability.

Internal sources of information include:

1. NRM Wildlife Fish and Rare Plants database.
2. Publications from Forest Service-Research on the use and enjoyment of species on the national forests and grasslands.

External information sources include:

1. National Fish Habitat Action Plan (FWS) and species or habitat-specific assessments or action plans developed by other public agencies.
2. Migratory Bird Data Center (FWS)
(https://migbirdapps.fws.gov/mbdc/databases/db_selection.html).
3. Federal fisheries management plans (NMFS) and multi-state coastal fisheries management plans (Pacific States Marine Fisheries Commission).
4. ESA-related documents, for example, biological opinions, critical habitat designations, and recovery plans (FWS, NMFS).

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5. State Wildlife Action Plans.
6. Federal fisheries management plans (NOAA-Fisheries) and multi-state coastal fisheries management plans (for example, Pacific States Marine Fisheries Commission).
7. ESA-related documents, for example, biological opinions, critical habitat designations, and recovery plans (FWS, NOAA-Fisheries).
8. State Division of Natural Resources (Fish and Game).
9. NatureServe. (<http://www.natureserve.org/>)
10. Reports of organizations focused on the needs of particular species enjoyed by the public (Rocky Mountain Elk Foundation, Wild Turkey Federation, Trout Unlimited, and State native plant societies).
11. Conservation Success Index.
12. Center for Plant Conservation.
13. Other relevant analysis or information offered for consideration by the public about fish, wildlife, and plant resources used or enjoyed by the public.

13.4 - Assessing Recreation Settings, Opportunities and Access, and Scenic Character

The responsible official shall identify and evaluate available information relevant to the plan area for recreation settings, opportunities and access, and scenic character. (36 CFR 219.6(b))

Recreation contributes to social and economic sustainability and provides opportunities to connect people with nature. The focus of the assessment for recreation is to identify and evaluate information about recreation settings and the uses, trends and sustainability of recreation opportunities in the plan area, recreational preferences of the public, recreational access, and scenic character.

Using available information, the responsible official should identify and evaluate information about recreational settings, opportunities, access, and scenic character of the plan area such as:

1. The types of recreational settings in the plan area, Recreational Opportunity Spectrum (ROS), should be used to describe this and map these settings.
2. The types of recreational opportunities currently available in the plan area including their distribution and seasonal variation.

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3. The existing and potential scenic character of the plan area, Scenery Management System (SMS), should be used to describe this and map scenic character.
4. The important recreational sites or areas in the plan area and their condition.
5. The compatibility or incompatibility of different recreation activities within the plan area, including any recreation user conflicts.
6. The nature, extent, and condition of trails, roads, and other transportation and other infrastructure to provide recreational access (see also sec. 13.6).
7. The opportunities within the plan area to foster greater connection between people and nature.
8. The conditions and trends that are affecting the quality of recreational settings and scenic character in the plan area.
9. Information about the sustainability of the set of recreation opportunities and scenic character, including the fiscal capacity for sustaining the opportunities.
10. Issues or dynamics, involved in social, cultural or economic conditions that may prevent or preclude, minorities and, other historically disadvantaged groups from seeking, accessing, (meaningful access), or participating in recreational activities typically, demanded by others.

In addition, the responsible official should evaluate how influences outside the plan area may influence the demand for recreation in the plan area or the ability of the plan area to meet those demands. Using available information, the responsible official should identify and evaluate relevant information such as:

1. The preferences of the public and demand for specific recreation opportunities or settings.
2. The availability of recreation opportunities on other lands within the broader landscape.
3. The stated goals in approved plans or other published reports of Tribes, States, or local governments, for recreational opportunities in the plan area.
4. Social, cultural, and economic conditions or trends such as changing population demographics, traditional uses, or income levels that influence the demand for various types of recreation activities.
5. Emerging new or unique recreational trends or interests that may affect future demand for recreation in the plan area.

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Based on the information above, the responsible official should evaluate the extent to which plan area meets the demand for recreational opportunities and the ability of the plan area to sustain these recreation settings, opportunities, access, and scenic character. The responsible official should evaluate how recreation contributes to social, economic, and ecological sustainability.

Internal sources of information include:

1. NRM.
 - a. National visitor use monitoring.
 - b. Wilderness and wild and scenic rivers.
 - c. Infra (for information on trails, cultural properties, and recreation sites).
 - d. Heritage.
2. ROS.
3. SMS.
4. Motor vehicle use map and travel management plan.
5. Recreation facility analysis.
6. Travel and tourism reports.
7. Local research station reports or analyses.

External information sources include:

1. State comprehensive outdoor recreation plans.
2. State or county land management planning and strategy documents.
3. National surveys on recreation.
4. Volunteered data from special use permittees.
5. Relevant analysis or information offered for consideration by the public about recreation or scenic character.

13.5 - Assessing Renewable and Nonrenewable Energy and Mineral Resources

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The responsible official shall identify and evaluate available information relevant to the plan area for renewable and nonrenewable energy and mineral resources. In addition, the responsible official should coordinate with the Bureau of Land Management (BLM) regarding energy and mineral resources. (36 CFR 219.6(b))

Energy sources may include wind, hydropower, solar, biomass, geothermal, coal, oil, or natural gas. Mineral resources include locatable mineral deposits, leasable minerals, and mineral materials. Each type of energy or mineral development may require specialized expertise to understand the specific considerations of that type of development.

Using available information, the responsible official should identify and evaluate relevant information such as:

1. Current type, extent, and general location of energy and mineral activity and energy facilities in the plan area.
2. Potential of the plan area for energy and mineral activity.
3. Trends that affect energy and mineral activity in the plan area.
4. Known abandoned mines or mining related hazards in need of reclamation or restoration.
5. Existing energy transmission corridors and the potential need for new transmission corridors.
6. The contribution of energy and mineral activity in the plan area to social, economic, and ecological sustainability.

The responsible official may also identify and evaluate known geologic hazards such as landslides, rock falls, mud flows, debris flows, earthquakes, karst collapse, volcanoes, flooding, subsidence, and naturally occurring gases and minerals, such as asbestos, erionite, radon, and methane if they occur at a scale that would merit evaluation for a land management plan.

Internal sources of information include:

1. NRM and Infra.
 - a. Minerals and geology information.
 - b. Abandoned mines information.
 - c. Locatable minerals information.
2. Local or analyses including research station reports and analyses.

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External information sources include:

1. U. S. Geological Survey (USGS) reports on mineral presence trends, or hazards.
2. DOE information,
3. BLM data,
4. State geological survey reports
5. Utility company information on the need for utility corridors
6. Volunteered private reports and data, or
7. Relevant analysis or information offered for consideration by the public about energy and mineral resources.

13.6 - Assessing Infrastructure

The responsible official shall identify and evaluate available information relevant to the plan area for infrastructure, such as recreational facilities and transportation and utility corridors. (36 CFR 219.6(b))

Using available information, the responsible official should identify and evaluate information such as:

1. The infrastructure's contribution to social, economic, and ecological sustainability.
2. The location and condition of infrastructure within the plan area. This includes the forest road system, recreational infrastructure (including developed facilities, trails, resorts, and recreational residences), all facilities, and other infrastructure within and near the plan area, such as dams, water diversions, grazing infrastructure, communication towers, and bridges.
3. Infrastructure external to the plan area that may be relevant to management of the plan area. An example may be a major dam with influence on streams, rivers, and aquatic ecosystems.
4. Trends that may affect the condition or development of plan-area infrastructure.
5. Information about the sustainability of the infrastructure including fiscal capability to maintain existing infrastructure and the current backlog of infrastructure maintenance.

Internal sources of information include:

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1. NRM databases such as Infra Engineering, Roads, Bridges, Buildings, Dams, Developed Recreation, Trails, Facilities, and Real Property Management.
2. The travel analysis report developed in support of the travel management rule, Subpart A.
3. Motor vehicle-use maps (products of the Travel Management Rule (36 CFR 212), Subpart B).
4. Unit recreation facility analysis report.

External information sources include:

1. Non-governmental organization reports on access, proposed utility corridors, facility use, or the condition or sustainability of the infrastructure.
2. Comprehensive plans of Indian Tribes, States, counties or cities or plans of these governments focused on recreation, infrastructure, or transportation.
3. Federal highway plans and projects.
4. Relevant analysis or information offered for consideration by the public about social, economic, and cultural conditions.

13.7 - Assessing Areas of Tribal Importance

The responsible official shall identify and evaluate available information relevant to the plan area for areas of tribal importance. (36 CFR 219.6(b))

Using available information, the responsible official should identify and evaluate information about:

1. Indian Tribes and Alaska Native Corporations associated with the plan area.
2. Existing tribal rights, including those involving hunting, fishing, gathering, and protecting cultural and spiritual sites.
3. Areas of known tribal importance that are in the plan area or affected by management of the plan area.
4. Conditions and trends of resources that affect areas of tribal importance and tribal rights.

The responsible official shall protect confidentiality regarding information that is culturally sensitive information to an Indian Tribe or Tribes as required by 36 CFR 219.1(e):

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(e) 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), Executive Order 13007 of May 24, 1996, Executive Order 13175 of November 6, 2000, laws, and other requirements 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.

The responsible official should request information from Indian Tribes about these areas of tribal importance. A tribal relations specialist or local archaeologist, with access to the Forest Service Infra heritage database, may provide relevant available internal information. If available, memorandums of understanding with local Tribes may be helpful sources of information. The responsible official should also consider relevant tribal consultation reports and analysis from Forest Service research stations.

External information sources include:

1. Volunteered tribal reports;
2. Traditional ecological knowledge;
3. Relevant scientific analysis or relevant analysis or information offered for consideration by the public about areas of tribal importance; or
4. Tribal Forest Protection Act projects and documents may serve as a source of information for natural resources and areas of tribal importance.

Section 43 of FSH 1909.12, chapter 40 has additional information on tribal consultation for planning.

13.8 - Assessing Cultural and Historic Resources and Uses

The responsible official shall identify and evaluate available information relevant to the plan area for cultural and historic resources and uses. 36 CFR 219.6(b)). This includes identifying priority heritage assets within the plan area.

Benefits of cultural and historic resources include expanded knowledge and understanding of history, cultural, and spiritual connections to our heritage, scientific data about past cultures or historical conditions and similar matters, and tourism that benefits rural economies.

Using available information, the responsible official should identify and evaluate information such as:

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1. The cultural, historical context of the plan area.
2. The cultural and historic resources, including heritage assets present in the plan area.
3. The condition of known cultural and historic resources, including historic properties in the plan area identified as eligible or listed in the National Register of Historic Places (<http://www.nps.gov/nr/>) and designated traditional cultural properties.
4. The trends that affect the condition of, or the demand for, cultural and historic resources or cultural uses.
5. The contribution of cultural uses or cultural and historic resources to social, economic, and ecological sustainability.
6. The relevant published documents from refereed journals and history societies.

Relevant available internal information may be produced by a local archaeologist, who is either a Forest Service employee or contractor with access to the Forest Service Infra database. Internal information may include a cultural resource overview.

External information sources include:

1. Memorandums of understanding, memorandums of agreements, programmatic agreements, management plans, or other agreement documents with State historic preservation offices or the Advisory Council on Historic Preservation.
2. Traditional ecological knowledge (for definition see FSH 1909.12, zero code, sec. 05) and tribal consultation reports.
3. Local knowledge offered for consideration by the public about cultural and historic resources and uses.
4. Forest archaeological and historical overviews or historic resources management plans.

13.9 - Assessing Land Status and Ownership, Use, and Access Patterns

The responsible official shall identify and evaluate available information relevant to the plan area for land status and ownership, use, and access patterns. (36 CFR 219.6(b))

The assessment should include information describing how land status, ownership, use, and access patterns influence the plan area and how management of the plan area may influence land use and access. Land ownership is the basic pattern of public and private ownership of both surface and subsurface estates. Land status is the zoning for private lands and formal

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management status of public lands (such as wilderness) for public lands. The status for public lands may include surface and subsurface estates and other specific restrictions that may apply to use of public lands by the Forest Service. Land use is the current use of land, such as residential, commercial, industrial, or agricultural use. Access is transportation access to or through the plan area, including pedestrian access from properties adjacent to the plan area.

Using available information, the responsible official should identify and evaluate information such as:

1. Existing patterns of land ownership, status, and use both within and near the plan area.
2. Trends affecting land status, ownership, and use with particular attention to trends within or near the plan area's boundary.
3. Influence of the plan area on land ownership, status, and use within the broader landscape.
4. Access to the plan area for various modes of transportation and from urban and rural locations near the plan area.
5. Opportunities to provide open space connections with lands in other ownerships.
6. Trends of land status and ownership affecting access to the plan area and how these trends affect use of the plan area.
7. Influence of these conditions and trends of land ownership, status, use, and access on social, cultural, economic, and ecological conditions (for example, invasive species or wildland urban interface).

Internal sources of information include:

1. Infra lands database of NRM;
2. Transportation atlas, records, and analysis;
3. Travel management plans;
4. Motor vehicle use maps;
5. The Economic Profile System-Human Dimensions Toolkit government and land use reports (<http://headwaterseconomics.org/tools/eps-hdt>);
6. GIS layers; and

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7. Information from the Resources Planning Act assessment (<http://www.fs.fed.us/research/rpa/>).

External information sources include:

1. Plans, reports, or other information from Indian Tribes, States, counties, or other local governments on land ownership, status and use, access, or transportation. This may include spatial data or maps maintained by these governments.
2. Relevant analysis or information offered for consideration by the public about land ownership, status and use, access or transportation.

14 - ASSESSING DESIGNATED AREAS

The responsible official shall identify and evaluate available information relevant to the plan area for existing designated areas located in the plan area including wilderness and wild and scenic rivers and potential need and opportunity for additional designated area. (36 CFR 219.6(b))

Designated areas direct specific kinds of management on areas within the plan area. The assessment also identifies designated areas and evaluates the potential need and opportunity for additional designated areas. The assessment does not require an inventory and evaluation of individual land areas within the plan area for potential designation. Before the responsible official invites comments on the proposed plan, an inventory and evaluation is required for wilderness (see FSH 1909.12, ch. 70), and an inventory of the eligibility of rivers for inclusion in the Wild, and Scenic Rivers System is required (see FSH 1909.12, ch. 80); but these inventories are not required during the assessment (36 CFR 219.7(c)(v) and (vi)).

Some categories of designated areas may be designated only by statute and some categories may be established administratively in the land management planning process or by other administrative processes of the Federal Executive Branch.

Sometimes two or more types of designated areas overlap each other. In these situations, the responsible official should recognize the overlapping management requirements of the multiple designations.

Using available information, the responsible official should identify and evaluate information about designated areas including:

1. Identify the locations, purposes, and types of established designated areas within the plan area. Use a map to identify these locations.
2. To evaluate the potential need and opportunity for designated areas, the responsible official should identify and evaluate available information to answer questions such as:

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- a. Are there published documents that identify an important need or potential for a designated area? For example, a research report may indicate a need for an experimental forest within the plan area.
 - b. Are there specific land types or ecosystems present in the plan area that are not currently represented or minimally represented within the wilderness system or system of research natural areas?
 - c. Are there rare or outstanding resources in the plan area appropriate to specific types of designated areas?
 - d. Are there known opportunities to highlight unique recreational or scenic areas in the plan area to provide for sustainable recreation opportunities?
 - e. Is there scientific or historical information that suggests a unique opportunity to highlight specific educational, historic, cultural, or research opportunities?
 - f. Has a need for specific designated areas been identified in the plans of States, Tribes, counties and other local governments?
 - g. Are there known important ecological roles that could be supported by designation?
3. How do designated areas contribute to social, economic, and ecological sustainability?

Exhibit 01 of this section lists the types of statutorily designated areas and administratively designated areas that may be present or potentially designated in NFS plan areas; and the administratively designated areas that the regional forester may designate. This exhibit is not exhaustive as plan areas may have other types of designated areas either statutorily or administratively designated that exist because of specific legislation or other administrative action that is unique to the plan area. During the assessment, the responsible official should identify the designated areas established within the plan area.

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Designated Areas
Statutorily Designated Areas
National Heritage Area
National Monument *
National Recreation Area
National Scenic Area
National Trails
National Scenic Trails
National Historic Trails
Wild and Scenic River
Wilderness, or Wilderness Study Areas
Highway Systems, Interstate and National
Administratively Designated Areas
Critical Habitat under ESA
Experimental Forest or Range
Inventoried Roadless Areas under 36 CFR Part 294
National Natural Landmark
National Historic Landmark
National Monument *
National Recreation Trails
Recreation Areas
Research Natural Area
Scenic Byway - Forest Service
Scenic Byway – National
Scenic Byway – National
Significant Caves
Regional Forester Designated Areas
Botanical Area
Geological Area
Scenic Area
Zoological Area
Paleontological Area
Historical Area
Recreational Area

* National Monuments may be congressionally or

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administratively designated.

15 - ASSESSMENTS FOR PLAN AMENDMENTS

(c) Plan amendment assessments. Where the responsible official determines that a new assessment is needed to inform an amendment, the responsible official has the discretion to determine the scope, scale, process, and content for the assessment depending on the topic or topics to be addressed. (36 CFR 219.6)

An assessment is not required to amend a plan (FSH 1909.12, ch. 20, sec. 21.2). However, the responsible official may determine that an assessment is useful, for example if a plan revision assessment has not been done or if conditions have changed to warrant a new or updated assessment. Plan amendment assessments may not be as broad or comprehensive as are assessments for plan development or revision, but should identify relevant available information and evaluate appropriate conditions and trends of social, cultural, economic, and ecological systems relevant to the issues of concern for the amendment.

A plan amendment assessment may be specific to a topic or focused on a portion of the plan area. In such a case, the scope of the assessment would be narrow and the scale would be small. In other cases, particularly for complex topics that cross plan area boundaries or involve multiple issues, the responsible official may conduct a more comprehensive assessment for an amendment.

The public notice and public and governmental participation requirements for amendment assessments are the same as the requirements for an assessment for plan development or revision (FSH 1909.12, ch. 40, sec. 43 and 44).



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CHAPTER 20 - LAND MANAGEMENT PLAN

Directive No.: The Directive Manager completes this field.

Effective Date: The Directive Manager completes this field.

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Approved: NAME OF APPROVING OFFICIAL
Title of Approving Official

Date Approved: mm/dd/yyyy

Posting Instructions: Directives are numbered consecutively by Handbook number and calendar year. Post by document at the end of the chapter. Retain this transmittal as the first page(s) of this document. The last directive was 1909.12-2005-3 20 to chapter 20.

New Document	1909.12_20	xx Pages
Superseded Document(s) (I Directive Number and Effective Date)	None	

Digest:

20 - Changes chapter caption from “Adaptive Planning Process” to “Land Management Plan.” Also, revises chapter in its entirety.

28 through 28.3 - Removes codes, captions, and obsolete direction.

29 through 29.2 - Removes codes, captions, and obsolete direction.

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This chapter describes the planning requirements of 36 CFR 219 (“2012 Planning Rule”) and the procedures for developing, amending, and revising land management plans.

20.5 - Definitions

See the Zero Code chapter of this Handbook for definitions.

20.6 - Cited References

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U.S. Department of Agriculture, Forest Service. 2011b. Watershed Condition Framework. FS-977. Washington, DC: U.S. Department of Agriculture, Forest Service. 34 p. Available at http://www.fs.fed.us/publications/watershed/Watershed_Condition_Framework.pdf

U.S. Department of Agriculture. Forest Service. 2012a. National Best Management Practices for Water Quality Management on National Forest System Lands. Volume 1: National Core BMP Technical Guide. FS-990a. Washington, DC: U.S. Department of Agriculture, Forest Service. 177 p. Available online at <http://www.fs.fed.us/biology/resources/pubs/watershed/index.html>.

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Weins, J.A., G.D. Hayward, H.D. Safford, and C.M. Giffen. 2012. Historical Environmental Variation in Conservation and Natural Resource Management. Wiley-Blackwell. Chichester, West Sussex, UK. 337 p.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**21 – DEVELOPING, REVISING, AMENDING, OR ADMINISTRATIVELY CHANGING A PLAN**

The adaptive planning framework for the National Forest Service (NFS) system includes three general stages: assessment (ch. 10); developing, amending or revising a plan (ch. 20); and monitoring (ch. 30). Plan revisions and amendments may be initiated either to accommodate the 15-year planning cycle or to respond to needs or changing circumstances. If a need to change the plan is identified that cannot be made through administrative changes (36 CFR 219.13), or by changing management practices rather than plan components, an amendment or revision should be initiated, as appropriate.

This section describes the process for how to develop a new plan or revise an existing plan that reflects public and governmental participation and the use of the best available scientific information (BASIS) to inform the planning process (FSH 1909.12, ch. 40). The planning process is iterative. The responsible official has the discretion to determine the scope, methods, forum, and timing of the process, subject to public notification requirements listed in 36 CFR 219.16 (see FSH 1909.12, ch. 40, sec. 43.2). However, the process is designed to be transparent and efficient, to reflect principles of adaptive management, and to engage the public through meaningful opportunities for participation early and throughout the process.

The planning process, which builds on public and governmental participation and information gathered during the assessment phase, may be conducted in many different ways, depending on the circumstances. The responsible official shall establish an interdisciplinary team (ID Team) to carry out the planning process (sec. 219.5(b)) and provide the team direction regarding the scope and nature of the new plan or plan revision. While a detailed approach to planning procedures is not specified, in general, the steps for conducting the planning process are as follows:

1. Continue outreach to the public that was initiated during development of the assessment (36 CFR 219.4). In particular, invite public input on the following:
 - a. The preliminary need to change the plan (36 CFR 219.7(c)(2)(i), sec. 21.1);
 - b. The plan area's distinctive roles and contributions in the broader landscape (36 CFR 219.7(f)(1)(ii), sec. 22.32); and
 - c. The list of potential species of conservation concern (36 CFR 219.9(c)); FSH 1909.12, ch. 10, sec. 12.52).
2. Develop a proposed new plan or revised plan with public participation. There is flexibility in how a new or revised plan is developed, including the mechanisms and timing of public participation, beyond the minimum public participation and notification requirements of 36 CFR 219.4 and 219.16 (FSH1909.12, ch. 40).

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3. Consider the environmental and social effects of the proposed plan and alternatives in the appropriate National Environmental Policy Act (NEPA) Procedures (36 CFR 220, FSM 1950, and FSH 1909.15).

4. Provide the required opportunity for the public to comment on the proposed new plan or plan revision and the NEPA document (36 CFR 219.16(a)(2)). The required comment period is at least 90 days when a draft environmental impact statement (EIS) is prepared and at least 30 days for other NEPA evaluations.

5. Consider the public comments and prepare a pre-decisional plan or plan revision.

6. Provide an opportunity to object to a plan, before approval (36 CFR 219.52; FSH 1909.12, ch. 50).

7. Approve the final plan or plan revision with documentation prepared according to NEPA procedures and notify the public (36 CFR 219.14(a) and 36 CFR 219.16(a)(4)). Forest Service NEPA procedures are found at 36 CFR 220 with additional guidance in FSM 1950 and FSH 1909.15.

21.1- Information Basis for Plan Development -- Assessment and Preliminary Identification of Need to Change the Plan

A well-supported and effective plan must be grounded in an adequate information base. Information developed during the assessment and other relevant information must be used to inform the development of a new plan or plan revision. The term “relevant” means the information must pertain to the topics under consideration at spatial and temporal scales appropriate to the plan area and to a land management plan. Relevance in the assessment phase is 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. 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.

The term “available” means that the information is currently available in a form useful for the planning process without further data collection, modification, or validation. The responsible official shall focus on rapidly identifying and evaluating existing, available, relevant information (hereafter referred to as “available information”).

Relying on this information base, the responsible official for new and revised plans must identify a “preliminary need to change the plan” to give focus to the planning process (36 CFR 219.7(c)(2)(i)). Through public and governmental participation and consultation the topics and concerns considered can be broadened or reduced as needed. A clearly articulated need to change the plan will support the development of desired conditions as strong plan components of a NFS plan.

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For plan amendments, an assessment is not required. The responsible official may rely on a monitoring report or other documentation of new information, changed conditions, or changed circumstances to inform the preliminary identification of the need to change the plan.

The need to change the plan should be written so that it is clear to the public and the responsible official which existing plan components will need to be revised and where new plan components need to be developed.. There are numerous sources of information available to the responsible official to help determine the need to change the plan including:

1. Biennial evaluations of monitoring information (36 CFR 219.12(d); FSH 1909.12, ch. 30, sec. 34)
2. An assessment for plan development or plan revision (36 CFR 219.6(a) and (b); FSH 1909.12, ch. 10, secs. 12, 13 and 14)
3. A focused assessment for plan amendments, if needed (36 CFR 219.6; FSH 1909.12, ch. 10, sec. 16)
4. Other documentation of new information, changed conditions, or changed circumstances on the plan area, from any source, that supports a need for a revision, amendment or administrative change to the plan (36 CFR 219.6(c)). See also the Forest Service NEPA procedures (FSH 1909.15, sec. 18).

For plan revision, to ensure that the planning process addresses ecological, social, and economic sustainability for the plan area, the responsible official should identify any needs to change the plan in each of these areas. For ecological sustainability, the need to change the plan should be predicated on the status of key ecosystem characteristics, the needs and opportunities for restoration or maintenance of these characteristics, and the potential for plan components to promote ecological integrity within the terrestrial, riparian, and aquatic ecosystems relevant to the plan area. The assessment of ecosystem integrity and status of at-risk species in the plan area should be reviewed to identify and evaluate opportunities for the plan area to maintain ecological sustainability and the diversity of plant and animal communities.

Similarly, the responsible official's identification of the need to change the plan should identify opportunities for the plan area to contribute to the social and economic sustainability of the plan area and affected communities. Other values and needs of communities related to the plan area include cultural and historic resources, traditional land uses, connection of people to the land, and general quality of life concerns for communities. For more information, examples, lessons learned and technical guidance for monitoring and evaluating contributions to ecological, social and economic sustainability visit the Technical Information for Planning Site (TIPS) at <http://www.fs.fed.us/TIPS>.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**21.2 – Required Actions and Considerations when Developing or Revising Plans**

The 2012 Planning Rule specifies resources to be identified and considered when developing a new plan or revising a plan (36 CFR 219.7(c)(2)). In addition to identifying a need to change the plan and reviewing the assessment, the responsible official shall identify and consider a number of resources and issues during the planning process. Exhibit 01 provides a list of requirements, along with references for guidance and information, noting that each consideration also may be informed by information generated during public participation or derived from some other source.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**21.2 - Exhibit 01****Required Considerations when Preparing New or Revised Plans**

Required Considerations (219.7(c)(2)(ii)-(xi))	Guidance/Information Source
“Consider the goals and objectives of the Forest Service strategic plan (§ 219.2(a))”	Refer to the current Forest Service Strategic Plan, available at www.fs.fed.us
“Identify the presence and consider the importance of various physical, biological, social, cultural, and historic resources on the plan area (§ 219.6), with respect to the requirements for plan components of §§ 219.8 through 219.11.”	See chapter 10 of this handbook for guidance on development of the assessment and see section 23 of this chapter for guidance on consideration of the various resources of the plan area.
“Consider conditions, trends, and stressors (§ 219.6), with respect to the requirements for plan components of §§ 219.8 through 219.11.”	See assessment prepared for the plan, pursuant to § 219.6 and additional relevant information.
“Identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation.”	See assessment prepared for the plan, pursuant to § 219.6. See also section 23.22j of this chapter, chapter 70 of this handbook, and FSM 1923.
“Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented and there are no changed circumstances that warrant additional review.”	See assessment prepared for the plan, pursuant to § 219.6. See also section 23.22k of this chapter, chapter 80 of this handbook and FSM 1924.
“Identify existing designated areas other than the areas identified in paragraphs (c)(2)(v), [wilderness areas] and (c)(2)(vi), [wild and scenic rivers] of this section, and determine whether to recommend any additional areas for designation. If the responsible official has the delegated authority to designate a new area or modify an existing area, then the responsible official may designate such area when approving the plan, plan amendment, or plan revision.”	See assessment prepared for the plan, pursuant to § 219.6. See also section 23.22l of this chapter.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**21.2 - Exhibit 01–Continued****Required Considerations when Preparing New or Revised Plans**

Required Considerations (219.7(c)(2)(ii)-(xi))	Guidance/Information Source
“Identify the suitability of areas for the appropriate integration of resource management and uses, with respect to the requirements for plan components of §§ 219.8 through 219.11, including identifying lands which are not suitable for timber production (§ 219.11).”	See section 22.15 of this chapter for general discussion of suitability of areas. For identification of lands as not suitable and suitable for timber production see chapter 60 of this handbook.
“Identify the maximum quantity of timber that may be removed from the plan area (§ 219.11(d)(6)).”	See chapter 60 of the handbook.
“Identify questions and indicators for the plan monitoring program (§ 219.12).”	See chapter 30 of this handbook.
“Identify potential other content in the plan (paragraph (f) of 36 CFR 219.7).”	See sections 22.3, 22.4, and section 23 of this chapter.

(36 CFR 219.7(c)(2)(ii)-(xi))

21.21 - Outreach during Development or Revision of Plans

Guidance on a public and governmental outreach strategy, including tribal consultation, and on methods for giving notice is provided in FSH 1909.12, chapter 40, section 43. The 2012 Planning Rule requirements include 36 CFR 219.4, “Requirements for Public Participation,” and 36 CFR 291.16, “Public Notifications.”

For plan development or plan revision that may affect listed species or critical habitat, may jeopardize the continued existence of proposed species, may adversely modify proposed critical habitat, or may adversely affect essential fish habitat of managed fisheries, the responsible official shall follow procedures in FSM 2670 for working with NOAA-Fisheries and/or FWS (FSM 1920.3).

21.22 - Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations

(36 CFR 219.4(a)(2); FSH 1909.12, chapter 40, sec. 44; FSH 1509.13, chapter 10)

The responsible official shall engage in formal, meaningful consultation and collaboration with Tribal officials on new plans or plan revisions as part of the Federal government-to-government relationship and Executive Order 13175, Consultation and Coordination with Indian Tribal

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Governments. FSH 1509.13, chapter 10, and FSH 1909.12 and Chapter 40 - Key Processes Supporting Land Management Planning, provide guidance regarding consultation and coordination with Indian Tribes and Alaska Native Corporations.

21.3 - Amending a Plan

Plan amendments are intended to be an adaptive management tool to keep plans current, effective, and relevant between required revisions (every 15 years). Amendments help responsible officials adapt an existing plan to new information and changed conditions. Maintaining plans also reduces the workload for subsequent plan revisions.

Amendments may be broad or narrow in scope, depending on the need to change the plan. In addition, amendments may be project-specific. If a proposed project is not consistent with the plan, the responsible official has the option to initiate a plan amendment that, if approved, would accommodate the project. Whether an amendment is proposed in response to changing conditions or in relation to a specific project, the responsible official has a duty to keep the scope and scale of the process, including public participation, commensurate with the scope of the plan amendment (CFR 219.13(b)(2)). All plan amendments must meet the applicable requirements of 36 CFR 219. For example, the requirements for riparian areas (36 CFR 219.8(a)(3)) apply only if amending plan guidance for riparian areas.

An assessment for a plan amendment is at the discretion of the responsible official. Plan amendment assessments are discussed in the planning rule as follows:

***Plan amendment assessments.* Where the responsible official determines that a new assessment is needed to inform an amendment, the responsible official has the discretion to determine the scope, scale, process, and content for the assessment depending on the topic or topics to be addressed. (36 CFR 219.6(c))**

A plan amendment process relies on the responsible official's identification of the need to change a plan.

***Amendment process.* The responsible official shall...[b]ase an amendment on a preliminary identification of the need to change the plan. The preliminary identification of the need to change the plan may be based on a new assessment; a monitoring report; or other documentation of new information, changed conditions, or changed circumstances. (36 CFR 219.13(b))**

In general, the steps for conducting a plan amendment process, recognizing that the scope and scale will be tailored to the proposal, are as follows:

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1. Make a preliminary identification of the need to change the plan (see sec. 21.1).
2. Begin outreach to the public and governmental entities. In particular, invite input on the need to change the plan identified by the responsible official. (See 36 CFR 219.4 and FSH 1909.12, ch. 40).
3. Develop a proposed amendment.
4. Consider the environmental and social effects of the proposed amendment and develop the appropriate NEPA document (FSH 1909.15, ch. 10).
5. Provide opportunity for the public and governmental entities to comment on the proposed amendment and the environmental document. The comment period is at least 90 days when an EIS is prepared and at least 30 days otherwise (36 CFR 219.16(a)(2)).
6. Provide an opportunity to object to the plan amendment before approval (36 CFR 219.52) (see FSH 1909.12, ch. 50).
7. Approve the final plan amendment and notify the public (36 CFR 219.14(a) and 36 CFR 219.16(a)(4)).

For plans developed, revised, or amended under a previous planning rule, changes to plan content that correspond to plan components (desired conditions, goals, guidelines, objectives, standards, or suitability of lands for uses) must be made by plan amendment or plan revision. All other changes to these plans may be made by administrative change, unless the responsible official determines that the plan amendment is more appropriate. Requirements for administrative changes are found at 36 CFR 219.13 (c); see also section 21.5.

21.31 – Project-specific Plan Amendments and Pre-Decisional Administrative Review

The administrative review process for plan amendments varies based upon whether the amendment applies to one project or to future projects as well. If the plan amendment applies only to a single project, the amendment would be subject to the project review process. If, however, the plan amendment would apply to future projects as well, the objections process of the 2012 Planning Rule (36 CFR 219, Subpart B) would apply. The project itself will always be subject to the applicable project review process of 36 CFR 215 or 218 (see 36 CFR 219.59(b)).

When a plan amendment is approved in the same decision document with a project, the responsible official for both decisions must be a forest supervisor or higher-level official, regardless of whether the district ranger could have authorized the project in the absence of a plan amendment. The decision document for the project and amendment must include the rationale for amending the plan.

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Multiple or frequent project specific plan amendments may suggest a need to change a plan component across all or part of the plan area. The responsible official should recognize project specific plan amendments and evaluate the presence of any systemic need to change the plan that could be addressed by a plan amendment.

21.32 – Plan Amendment Outreach and Consultation

Outreach and consultation during a plan amendment is similar to outreach and consultation for a plan outreach (sec. 21.21 and 21.22). See FSH 1909.12, chapter 40, sections 43 and 44 for additional guidance on outreach.

21.4 - Concluding the Plan Development, Revision or Amendment Process: Required Decision Document

The responsible official approves plans, plan amendments, and revised plans with a decision document developed according to the NEPA procedures. New and revised plans are the subject of an EIS for which a record of decision (ROD) is the appropriate decision document. Plan amendments, often more modest in scope, can also be the subject of an environmental assessment (EA), which are concluded, if no significant environmental impacts are identified, with a decision notice, or a categorical exclusion (CE), which are concluded with a decision memo. If a significant impact is identified during the EA or CE analysis, an EIS is required. NEPA document templates are available online at <http://www.fs.fed.us/emc/nepa/>.

Additional information regarding completed plans must be included in the required Forest Service NEPA decision documentation. Exhibit 01 indicates the material that must be included in a decision document in accordance with 36 CFR 219.14(a), *in addition* to that required by Forest Service NEPA procedures.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**21.4 - Exhibit 01****Contents of Decision Documents**

Decision Document Requirement (36 CFR 219.14(a))	New or Revised Plan	Plan Amendment
The rationale for approval.	Yes	Yes
An explanation of how the plan components meet the sustainability requirements of § 219.8, the diversity requirements of § 219.9, the multiple use requirements of § 219.10, and the timber requirements of § 219.11;	Yes	If Applicable
A statement of how the plan, plan amendment, or plan revision applies to approved projects and activities (§ 219.15);	Yes	Yes
The documentation of how the BASI was used to inform planning, the plan components, and other plan content, including the plan monitoring program (§ 219.3);	Yes	Yes
The concurrence by the appropriate research station director with any part of the plan applicable to any experimental forests or experimental ranges (§ 219.2(b)(4));	If Applicable	If Applicable
The effective date of the plan, plan amendment, or plan revision.	Yes	Yes

For RODs which conclude a new or revised plan, six specific items listed in exhibit 01 must be addressed where applicable. The public and the responsible official are well-served, however, by inclusion of a summary of how the plan and the planning process meet all the requirements of the planning rule. This summary augments the required elements of the decision document to include a clear and transparent description of how the plan decision is responsive to public and governmental participation. The scope of the summary should be commensurate with the complexity of the decision made.

For plan amendments, the need to change the plan should be clearly documented in the “purpose and need” section of the EA associated with the proposed plan amendment. The decision document must discuss only those requirements of 36 CFR 219.8 through 219.11 that are applicable to the plan components that are being changed or added. For example, the requirements for wilderness management (36 CFR 219.10(b)(1)(v)) apply only if amending land management plan guidance for wilderness management.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**21.41 - Documentation of Plan Revision and the Planning Record**

(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: assessment reports (§ 219.6); the plan, including the monitoring program; the proposed plan, plan amendment, or plan revision; public notices and environmental documents associated with a plan; plan decision documents; and monitoring evaluation reports (§ 219.12).

(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 amendment, or plan revision was developed. (36 CFR 219.14)

Throughout the planning process, the ID Team shall document key steps of the public and governmental participation process related to the need to change the plan and to develop any alternatives (sec. 21.1, 43, and 44). In addition to meeting regulatory requirements above, the ID Team should document the “who, what, where, when, and how” of public and governmental participation in a “participation process” document (sections 21.15 and 21.24). The ID Team should document how the public involvement contributed to the development of the proposed plan and document the response to comments received during the NEPA process (FSH 1909.15, ch. 10, sec. 12.6).

21.5 - Administrative Changes

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, conformance of the plan to new statutory or regulatory requirements, or changes to other content in the plan (§ 219.7(f)).

(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)).

(2) All other administrative changes may be made following public notice (§ 219.16(c)(6)). (36 CFR 219.13(c))

Administrative changes include corrections of clerical errors to plan components. Administrative changes may NOT include substantive change to plan components or the location in the plan area where plan components apply, except to ensure the plan conforms to new

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statutory or regulatory requirements which do not allow for the exercise of discretion. Administrative changes may be used to change other content of the plan (36 CFR 219.7(f); sec. 22.3–22.4 of this chapter).

The responsible official shall give public notice before issuing an administrative change (36 CFR 219.13(c)(2)). The public notice may be made in any way the responsible official deems appropriate, except for that, at a minimum, the notice needs to be posted online on the administrative unit's planning website. Responsible officials shall explain in the planning record how they considered any comments received. The administrative change is effective upon posting the change online. Administrative changes are not subject to the objection process, because they are not used to approve plans, plan amendments, or plan revisions (36 CFR 219.50).

The responsible official should be transparent with the public and governmental entities, reach out to the public early, and involve the public when changing the other plan content in the plan. When considering public and governmental participation, the responsible official should consider the urgency of the need to change the plan and conduct appropriate outreach that is commensurate with the change to be made and the level of public and governmental interest.

21.51 - Making Administrative Changes to the Monitoring Program

Existing plan monitoring programs may be changed by administrative change, and also as a part of a plan revision or a plan amendment. The responsible official shall provide opportunities for public and governmental participation when considering changes to the monitoring program. Any change to the monitoring program may be made only after notice to the public of the intended change and consideration of public comment (36 CFR 219.16(c)(6)). The public comment period to respond to a proposed change to the monitoring program should be at least 30 days.

21.6 - Plan development, Plan Revision, or Plan Amendments started under Previous Planning Rules

Plan development, plan amendments, or plan revisions initiated before this part. For plan development, plan amendments, or plan revisions that were initiated before May 9, 2012, the responsible official may complete and approve the plan, plan amendment, or plan revision in conformance with the provisions of the prior planning regulation, including its transition provisions (36 CFR part 219, published at 36 CFR parts 200 to 299, revised as of July 1, 2010), or may conform the plan, plan amendment, or plan revision to the requirements of this part. If the responsible official chooses to complete an ongoing planning process under the provisions of the prior planning regulation, but chooses to allow for an objection rather than an administrative appeal, the objection process in subpart B of this part

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shall apply. When the responsible official chooses to conform an ongoing planning process to this part, public notice must be made (§ 219.16(a)(5)). An objection process may be chosen only if the public is provided the opportunity to comment on a proposed plan, plan amendment, or plan revision, and associated environmental analysis. (36 CFR 219.17((b)(3))

The responsible official for the ongoing planning process may choose to conform the ongoing planning process to the 2012 Planning Rule, if it is feasible and appropriate to do so (see 36 CFR 219.17(b)(3)). If the responsible official so chooses, the responsible official evaluates the ongoing planning process to determine if it meets the requirements of the new rule and adjust the ongoing process to meet any requirements if necessary. The responsible official then must issue a formal public notification to announce and describe how a plan revision or plan amendment process started under the provisions of a previous planning regulation will conform to meet the provisions of the 2012 Planning Rule. For ongoing plan revisions the responsible official is the regional forester. For plan amendments the responsible official may be a regional forester or forest supervisor.

22 - REQUIREMENTS FOR PLAN CONTENT

The land management plan must include plan components and other plan content (36 CFR 219.7). Plan components should be directed to the resources and issues for the plan area, and should reflect the unit's distinctive roles and contributions (36 CFR 219.7(f)(1)(ii)). The responsible official shall ensure that the plan components are integrated so that the plan is internally consistent and workable for the plan area. Land management plans should not have a set of unique plan components for every resource. Plans should have an integrated set of plan components to provide for social, economic, and ecological sustainability and multiple uses. The requirements for an integrated planning framework include the following sections from 36 CFR 219:

§ 219.1 Purpose and Applicability. ...

(b) ... and management plans guide sustainable, integrated resource management of the resources with the plan area . . .

§ 219.2 Levels of planning and responsible officials. ...

(b) National Forest System unit planning. (1) ... A land management plan provides a framework for integrated resource management and for guiding project and activity decisionmaking on a national forest, grassland, prairie, or other administrative unit.

§ 219.5 Planning framework.

(a) ...The intent of this framework is to create a responsive planning process that informs integrated resource management . . .

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**§ 219.10 Multiple Use. ...**

(a) Integrated resource management for multiple use. The plan must include plan components, including standards or guidelines, for integrated resource management to provide for ecosystem services and multiple uses in the plan area. (36 CFR 219.10(a))

§ 219.19 Definitions. ...

Integrated resource management. Multiple use management that recognizes the interdependence of ecological resources and is based on the need for integrate consideration of ecological, social, and economic factors.

The responsible official shall use an interdisciplinary process to achieve integration of resource concerns into a set of plan components, take into account a wide range of resource conditions and values, strive to achieve multiple benefits, and manage the risk of adverse effects to interconnected systems. The interdisciplinary process requires an ID Team (36 CFR 219.5(b)). The responsible official should consider the applicable goals, outcomes, objectives, and performance measures of the Forest Service Strategic Plan so that the plan components contribute to the strategic priorities of the Agency. Finally, the responsible official shall base the plan on likely budgets and other assumptions that are realistic as required by 36 CFR 219.1(g):

(g) The responsible official shall ensure that the planning process, plan components, and other plan content are within Forest Service authority, the inherent capability of the plan area, and the fiscal capability of the unit.

The recommended layout for plan components and other plan content is illustrated by the plan model, described in the technical guide “Foundations of Forest Planning” available on the Ecosystem Management Coordination Web site at <http://www.fs.fed.us/emc/nfma/index.htm>.

22.1 - Plan Components

(e) *Plan components.* Plan components guide future project and activity decisionmaking. The plan must indicate whether specific plan components apply to the entire plan area, to specific management areas or geographic areas, or to other areas as identified in the plan. (36 CFR 219.7(e))

This section and sections 22.11 through 22.16 describe the required plan components for every plan and provide guidance for developing plan components. Plans must include the following plan components (36 CFR 219.7): desired conditions (sec. 22.11), objectives (sec. 22.12), standards (sec. 22.13), guidelines (sec. 22.14), and suitability of lands (sec. 22.15). Goals may be included as an optional plan component (sec. 22.16).

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When revising a plan, the ID Team should address issues from comments on the need to change the plan and any other relevant public comment (sec.21.1). Plan components may be used to carry out laws, regulations, or policies, but should not merely repeat existing direction from laws, regulations, or directives. Notwithstanding, plans must include plan components that apply the specific National Forest Management Act of 1976 (NFMA) timber requirements of 36 CFR 219.11(d) and may, in some instances, need to repeat the words of the law. See FSH 1909.12, chapter 60 for further guidance on NFMA timber requirements.

Plan components must meet the following:

1. Are written so that they are in accord with Agency authorities, and the inherent capability of the plan area.
2. May apply to the entire plan area, to a specific management or geographic area, or to land of specific character.
3. Are not commitments or final decisions approving projects and activities.
4. Guide the development of future projects and activities and the plan-monitoring program.
5. Are informed by the assessment, monitoring, public and governmental participation, and the BASI. (For more information on BASI see FSH 1909.12, ch. 40).
6. Guide and constrain Forest Service personnel; not the public.
7. Meet the requirements of the 2012 Planning Rule (36 CFR 219, subpart A).
8. Give direction for integrated resource management for multiple uses (36 CFR 219.10(a)).

See exhibit 01, Example Plan Components, for examples of desired conditions, objectives, standards, and guidelines. Plans should be written clearly and concisely, see <http://www.plainlanguage.gov/>. Plan components should not include explanatory narrative; see section 22.4 of this Handbook for direction on how to include explanatory narrative as other plan content.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**22.1 - Exhibit 01****Example of Plan Components (Oak-grasslands example)****Desired Condition for a Management Area:**

Oak-grasslands dominate watersheds in this management area (See Appendix Maps). On upper slopes and ridges across this area, grasslands (less than 10 percent tree canopy closure) and open oak woodlands (10-60 percent tree canopy closure) are interspersed in variable mixtures. In general, tree density increases as one moves down slope, but densities are variable and transitions gradual. Snag and den tree density averages three stems per acre on a watershed basis (10-digit hydrologic unit code (HUC)). Native grasses and forbs dominate understories. Most mid and lower slopes have open oak forests (60-80 percent tree canopy closure), with understories containing oak regeneration in sufficient numbers to provide for sustaining oak on these sites over time. Multi-layered mixed hardwood mesophytic and riparian forests occur on lower slopes, where, because of topography and moisture, understory fires burn at low intensities or not at all. Within riparian areas, vegetative filter strips have at least 80 percent total ground cover comprised of grasses, or forbs. In riparian areas, flooding is the primary disturbance factor.

In grasslands and open oak woodlands of this management area, diverse grass and grass-forb understories provide diverse and abundant herbage, seeds, and insects. Open canopies and a periodic fire frequency of x-y years create this understory condition. This understory condition also supports a diverse assemblage of wildlife. Rare species that are adapted to open forests and grasslands are present and distributed in numbers that will provide for self-sustaining populations. These include Henslow's sparrow, whip-poor-will, southern prairie aster, barbed rattlesnake-root, buffalo clover, and prairie parsley. Small mammals, such as deer mice (*Peromyscus* species), voles (*Microtus* species), and rabbits (*Sylvilagus* species) are abundant, supporting increased populations of predators, such as raptors, foxes, and bobcats.

Generally natural environments characterize this management area and users have the opportunity to experience a moderate degree of independence, closeness to nature, solitude, and remoteness, with areas generally suitable for motorized opportunities. Satisfactory recreational experience is provided for forest visitors. This area contributes to economic sustainability by providing areas for birders who frequently use quality outfitter guides for birding tours.

Objectives:

- X snags per acre within Y years of plan revision approval.
- Add 5 thousand acres of Henslow's sparrow habitat to the current XX acres by 2020.
- X rehabilitated high-impact dispersed camping areas within X years of plan revision approval.
- At least 80 percent of forest visitors who respond to annual visitor satisfaction survey, report their recreational experiences rated as "satisfactory."

Standards:

- Timber harvest must not occur in riparian buffers except to maintain or restore the riparian ecosystem. Riparian buffers at least 100 feet on either side of the tops of perennial stream banks. Riparian buffers along intermittent streams must be 50 to 75 feet or more measured from bankfull stage.

Guidelines:

- On sustained slopes greater than 35 percent, heavy equipment should not be used for mechanical site preparation treatments to reduce erosion of soil.
- Artificial regeneration should use native plant material (FSM 2070, glossary) in restoration activities to provide suitable habitat for native species of butterflies, birds, and other wildlife.
- Trail construction should not occur in riparian buffers except for designated stream crossings to prevent soil erosion and sediment deposition in waterways.

Suitability of lands: This management area is suitable for motorized recreation on designated roads and trails.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**22.11 - Desired Conditions**

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. (36 CFR 219.7(e)(1)(i))

Desired conditions should reflect an overall vision for the future of the plan area as a whole. The set of desired conditions are the focus of the plan and are the basis for developing all other plan components and other plan content. The plan's set of desired conditions describe a picture of the desired social, cultural, economic, and ecological attributes that characterize the desired outcome of land management in the plan area. It is important that managers and the public and governmental entities share a common understanding of the desired conditions, since desired conditions drive the development of other components.

All aspects of the desired conditions must be integrated within the plan so the overall desired condition is feasible. In addition, the five plan components must be integrated with each other and should be tied back to desired conditions.

Desired conditions, together with the other plan components, must be designed to move toward ecological and social and economic sustainability (36 CFR 219.8) and should clearly articulate management's intent over the life of the plan. Responsible officials should include sufficiently detailed descriptions of desired conditions so that long lists of standards, guidelines, and suitability determinations are not needed to determine the "purpose and need" for future projects and activities .

When designing desired conditions, the responsible officials should take into account the uses on land adjacent to the plan area and the larger surrounding landscape. The desired conditions developed or expressed by adjacent agencies, landowners, interested and affected individuals, or communities should be considered when designing desired conditions for the plan area.

An individual desired condition:

1. May be the same as an existing condition, so that efforts to achieve the desired condition would focus on maintenance;
2. May be described in a way that is achievable in any time frame – short, medium, or long term;

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3. Must not direct taking action or prohibit taking action, or indicate specific agency actions or tools (for example, prescribed fire and thinning) to be used for its attainment or maintenance;
4. Should be expressed in a way that helps managers determine the uses that are suitable and the possible management actions that may be proposed during the planning period;
5. Must be written with enough detail so that the intent is clear and progress toward their achievement can be measured;
6. May be stated in comparative terms such as “more,” or “less,” or “increased,” or “decreased” if the baseline is clearly stated;
7. May be stated in terms of a range of conditions; and
8. May be described by a photograph or illustration.

22.12 - Land Management Plan Objectives

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 be based on reasonably foreseeable budgets. (36 CFR 219.9(e)(1)(ii))

Objectives are each linked to desired conditions and reflect the responsible official’s priorities. Objectives must be attainable within the fiscal capability of the unit. The fiscal capability should be based on a trend analysis of the recent past budget obligations for the unit (3 to 5 years).

Plan objectives:

1. Describe the focus of management in the plan area within the plan period;
2. Must be based on making progress toward attaining desired conditions;
3. Must be stated in measurable terms with specific reasonable time frames;
4. Help set the basis for priority areas or activities, with a timing expectation that near-term objectives would be completed first, depending on funding;
5. Must be based on likely budgets and other assumptions that are realistic expectations for the selected period of time;
6. Should be expressed in terms of outcomes, not actions; and
7. Are neither actions nor commands to take action and are not to be written as such.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**22.13 - Standards**

***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.**

(36 CFR 219.7(e)(1) (iii))

Standards are required criteria for the design of projects and activities. Design criteria are the technical design details to ensure that projects and activities maintain or move toward the desired conditions, or at least to ensure that projects and activities do not preclude their maintenance or attainment. Design criteria provide the sideboards for projects and activities. Examples of other sources of constraints on the design of projects and activities include congressional direction, oil and gas leasing stipulations, regulations, timber sale contract clauses, and special use authorization standard clauses. In addition, the responsible official may develop project-specific design criteria to constrain a project. A standard differs from a guideline in that a standard is a strict design criterion, allowing no variation, whereas a guideline allows variation if the result would be equally effective.

Standards are useful when the requirement is absolute such as to ensure compliance with laws such as the timber requirements of sections 6(g)(3)(E) and (F) of the NFMA (16 U.S.C. 1604(g)(3)(E) and (F)), or to protect threatened or endangered species under the Endangered Species Act of 1973 as amended (16 U.S.C. 1531-1544). The responsible official should be judicious in establishing standards and generally limit them to situations where certainty is important or where the practice is generally accepted as best management.

Standards:

1. Place definitive design constraints on projects and activities by using mandatory wording, such as “must.”
2. Are stated in a way that clearly shows a connection between the standard and achieving or maintaining a desired condition or objective.
3. Are written clearly and without ambiguity so that consistency of a project or activity with a standard can be easily determined. (For definition of consistency see 36 CFR 219.15 and sec. 23.5).
4. Should not restate direction from other sources such as laws, regulations, and Forest Service directives, but may cite other sources. A standard may be the Forest Service interpretation of how laws, regulations, or policies are to be carried out.
5. Should not direct or compel processes such as analysis, assessment, inventory, or monitoring.

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6. Must not restate other plan components.
7. Should not be included if another plan component, such as desired conditions or suitability of uses, would better express the intent.
8. Guide the design of projects and activities. If standards guide the design of projects they should not mandate conditions outside of project areas. Any guidance meant to apply more broadly than to project areas, such as, “Snag density in XX watershed must average at least four snags per acre,” should be written in the form of desired conditions or objectives.
9. May be used to provide limitations or direction on whether or how a specific tool is appropriate.

Standards that require that certain conditions be met in a project area should provide for situations where those conditions do not currently exist in the project area. For example, “When authorizing timber harvest, require the retention of an average of four snags per acre on forested acres of the project area, unless fewer than four snags per acre exist. When fewer than four snags exist, require the retention of an average of four of the largest live trees per acre. The retained snags or live trees need not be distributed on every acre, but may occur in clumps throughout the project area.”

22.14 - Guidelines

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

(36 CFR 219.7(e)(1)(iv))

Guidelines are similar to standards in that they are design criteria for projects and activities to help achieve the desired conditions and objectives, or at least to ensure that projects or activities do not foreclose their maintenance or attainment. Guidelines differ from standards in that they provide flexibility for compliance, while standards are concrete limitations.

Guidelines should not be written in terms of a mandatory command or prohibition, but in terms of project design criteria that “should” or “should not” be employed. They should be written so that the purpose for the guideline is clear. Projects and activities need not be designed in exact accord with a guideline’s wording, as long as the design is effective in meeting the guideline’s purpose. The wording of guidelines and their organization in a plan should clearly describe the

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circumstances and manner in which the guidelines apply so that other options may be carried out if they meet the purposes of the guidelines.

Guidelines:

1. Must not use words that would compel or prohibit projects or activities.
2. Must be stated in a way that clearly shows a connection between the guidelines and achieving or maintaining desired conditions.
3. Must be written clearly and without ambiguity so that their purposes are apparent, so that consistency of a project or activity with a guideline can be easily determined.
4. Should not restate direction from other sources such as legal requirements, directives, rules, or regulations (references to other sources are preferred).
5. Should not direct or compel processes such as analysis, assessment, inventory, or monitoring.
6. Must not restate other plan components.
7. Should not be included if another plan component, such as desired conditions or suitability of uses, would better express the intent.
8. Guidelines guide the design of projects and activities. If guidelines guide the design of projects, they should not apply to conditions outside project areas. (see enumerated paragraph 8 of sec. 22.13 for an example).
9. If a guideline describes conditions to be retained in a project area, it should provide for situations where the conditions do not currently exist in an area. (See last paragraph of sec. 22.13 for an example of a standard addressing this issue).
10. May be used to provide limitations or direction on whether or how a specific tool is appropriate.

22.15 - Suitability of Lands

(v) *Suitability of lands.* Specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. The plan will also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. The suitability of lands need not be identified for every use or activity. Suitability identifications may be made after consideration of historic uses and of issues that have arisen in the planning process. Every plan must

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**identify those lands that are not suitable for timber production (§ 219.11). (36 CFR 219.7(e)(1)(v))**

NFS lands are generally suitable for a variety of uses such as outdoor recreation, viewing scenery, livestock grazing, timber production, providing habitat for fisheries and wildlife, cultural resource interpretation, and protecting watersheds. The identification of the suitability of lands in a plan area for various uses involves social, economic, and ecological considerations.

As part of the land management plan, the identification of suitability of lands helps achieve the desired social, cultural, economic, and ecological conditions—which reflect public and governmental participation and the distinctive role and contributions of the plan area. The identification of suitability helps the responsible official determine if projects and activities are consistent with the desired conditions. The identification of land that may be suitable for particular uses involves interpretation of social, economic, and resource tradeoffs—not just an inventory. The identification of suitability, or non-suitability, of lands is based upon the desired condition for those lands and the inherent capability of the land to support the use.

Responsible officials should not make suitability of lands identifications for the use of any resource, such as minerals if an entity other than the U.S. Department of Agriculture (USDA) has authority over the disposal or leasing of minerals. Congress has given the Secretary of the Interior authority over the disposal of locatable minerals (gold, silver, lead, and so forth) and leasable minerals (oil, gas, coal, geothermal, among others). The Secretary of Agriculture has authority over saleable minerals (sand, gravel, pumice, among others). The Forest Service regulation for minerals is detailed at Title 36 CFR 228, “Minerals.” For example, analysis of the availability of lands for oil and gas leasing is at 36 CFR 228.102 and is a project decision that may be made at the same time as a plan revision.

Identifying lands as suitable for a use is notably different from identifying lands as not suitable for a use when deciding whether a project or activity is appropriate on those lands. The difference is discussed in the following enumerated paragraphs.

1. Lands identified as suitable for certain uses or activities. Identification in a plan of the suitability of lands for a use is an indication that the use might be appropriate. It is not a commitment to allow such uses.
 - a. A specific use or activity may be approved or may be disapproved in an area identified as suitable for such types of use.
 - b. A plan, for instance, may identify a management area as suitable for utility corridors; however, that suitability determination does not imply that any application for pipeline construction would be approved. All applications would be subject to special use authorization requirements, standard permit clauses, standards and guidelines, NEPA procedures, public and governmental participation, and project and activity decisionmaking.

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2. Lands not suitable for uses or activities. If the plan identifies an area as not suitable for a use or activity, then that use or activity may not be authorized. Such identification in a plan does not affect any unregulated public use (sec. 22.5). See FSH 1909.12, chapter 60 for identification of lands not suitable for timber production.

A plan may not identify a use or activity as being suitable in the plan area or relevant part of the plan area, and should identify the area as not suitable for that use or activity, if any of the following conditions apply:

- a. The use would not likely be compatible with the desired conditions and objectives;
- b. Law, regulation, Executive order, or Forest Service directive prohibit the use; or
- c. The use would result in substantial and permanent impairment of the productivity of the land or renewable resources.

Plans may include suitability or non-suitability statements for the purposes of outdoor recreation, range, timber, watershed, and wildlife and fish (36 CFR 219.12(a); Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528-531)). Plans may also include suitability or non-suitability statements for more narrowly defined uses such as: administrative or commercial communication sites, commercial use of non-timber forest products, cross-country over-snow vehicle use, educational use, existing range structures, helicopter skiing, mechanized travel, motorized travel, non-commercial uses, non-mechanized travel, non-motorized travel, range structures, recreational trails, research activities, tethering and grazing of recreational stock, utility corridors, and wheeled motorized travel.

Plans should not include any suitability or non-suitability statements for the use of management tools, such as prescribed fire, clearcutting, or use of chemicals. A guideline or standard may be used to provide limitations or direction on whether or how a specific tool is appropriate.

There are many approaches for identifying suitable or not suitable lands for uses, including: mapped areas; layers of maps, each layer showing a different use; narrative descriptions of types of physical, ecological, or economic conditions; photos showing types of conditions; and specific uses tied to suitability tables of management areas. An example of a narrative description of identifying not suitable lands is “Timber production is not suitable on soil types B-2 and C-5 as defined in the Forest Soil Handbook.” If maps are used to show where plan components apply, substantive changes to such maps require a plan amendment.

22.16 - Goals (Optional Plan Component)

Optional plan component: goals. A plan may include goals as plan components. Goals are broad statements of intent, other than desired

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conditions, usually related to process or interaction with the public. Goals are expressed in broad, general terms, but do not include completion dates. (36 CFR 219.7(e)(2))

The responsible official may choose to include goals as optional plan components. Goals may be used to organize plan components similar to the Forest Service Strategic Plan. Goals should not simply repeat agency policies applicable to all NFS units. Goals for resource conditions may be appropriate if scientific information is not adequate to provide sufficient specificity to establish desired condition. However, using goals in lieu of desired conditions should be avoided.

Goals instead of objectives may be appropriate if the responsible official is not sure a concise, measurable, and time-specific statement of a desired rate of progress is within the control of the unit; however, using goals in lieu of objectives should be avoided. Examples are:

1. If the outcome is necessarily the result of a partnership among the Forest Service and other land owners within the broader landscape.
2. If the outcome is uncertain, because it is likely beyond the fiscal capability of the unit.

22.2 – Identification of Management Areas and Geographic Areas and Designated Areas

The public, governmental entities, and Forest Service employees need to know where plan components apply. The plan must state where each plan component applies. Some plan components apply forest-wide. Some plan components apply to a specific characteristic of the land (such as springs, wetlands, or riparian ecosystems). Some plan components apply to specific parcels of land. The terms “management area” and “geographic area” may be used to describe how plan components apply to specific parcels of NFS land by the use of maps.

(d) *Management areas or geographic areas.* Every plan must have management areas or geographic areas or both. The plan may identify designated or recommended designated areas as management areas or geographic areas. (36 CFR 219.7(d))

The definitions of geographic area and management area are defined at 36 CFR 219 as:

***Geographic area.* A spatially contiguous land area identified within the planning area. A geographic area may overlap with a management area.**

***Management area.* A land area identified within the planning area that has the same set of applicable plan components. A management area does not have to be spatially contiguous. (36 CFR 219.19)**

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Geographic areas are based on place, while management areas are usually based on purpose. The following paragraphs discuss management areas and geographic areas:

1. Management areas. The typical management area (MA) map in existing plans often represents the potential future land uses on landscape basis. MA maps often show lands with integrated packages of compatible resource direction. For example, traditional MA maps might be labeled as follows: MA 1—areas emphasizing developed recreation use, MA 2—areas that are suitable for timber production, MA 3—areas providing for off highway vehicle trails, MA 4—areas designated by Congress as Wilderness, MA 5—areas emphasizing primitive backcountry recreation experiences, and so forth.

2. Geographic areas. The typical geographic area (GA) of existing plans often represents larger areas that have desired conditions with a range of possible resource management emphasis. Rather than a management emphasis map, a geographic area map tends to focus on a place (Red Rock Canyon, Mount Whitney, or perhaps a specific watershed).

A geographic-based approach is based on the idea that the plan serves as a long-range vision for an area. However, the boundaries for different suitable uses within a geographic area may be displayed by using multiple overlays of maps. For example, overlays of maps could identify how suitability for non-motorized use, winter motorized use, and timber production differs across one geographic area.

Desired conditions, suitability of land for uses, and standards for uses could be identified by using a description of the specific character of the land or by describing the circumstances under which different land uses may occur. For example, timber harvest or motorized vehicle use may be limited to within a certain distance from an existing road.

A hybrid of GA and MA approaches may be useful. Above all, the approach must fit the plan area and people need to understand where each plan component applies and what type of areas and maps you are using and why.

The following names should not be used as a “management area” or “geographic area” name unless the area has been so designated or unless the responsible official is designating or recommending the area as an administratively designed area under FSM 2372-Areas Designated Administratively:

1. Botanical Area,
2. Geological Area,
3. Historical Area,

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4. Paleontological Area,
5. Recreational Area,
6. Scenic Area, or
7. Zoological Area.

22.22 – Identification of Designated Areas

A designated area is defined at 36 CFR 219.19 as:

An area or feature identified and managed to maintain its unique special character or purpose. Some categories of designated areas may be designated only by statute and some categories may be established administratively in the land management planning process or by other administrative processes of the Federal executive branch. Examples of statutorily designated areas are national heritage areas, national recreational areas, national scenic trails, wild and scenic rivers, wilderness areas, and wilderness study areas. Examples of administratively designated areas are experimental forests, research natural areas, scenic byways, botanical areas, and significant caves.

Identification of designated areas is limited to areas or features actually designated by the appropriate person or entity. The appropriate person or entity is designated in laws, regulations, and Federal agency policies. Exhibit 01 lists some types of designated areas that the responsible official may consider, the designating official for each type of designated area, and the location of existing guidance for their designation. The list in exhibit 01 is not comprehensive. If a land area does not qualify as a designated area or has not been designated, but needs specific guidance, the responsible official may identify the area as a management area or as a geographic area and apply specific guidance.

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Designated Areas	Designation Authority	Additional Guidance Location
Statutorily Designated Areas		
National Heritage Area	Congressional act designates.	http://www.nps.gov/history/heritageareas/
National Monument	Presidential Executive order or Congressional act designates.	FSM 2371
National Recreation Area	Congressional act designates.	FSM 2371
National Scenic Area	Congressional act designates.	FSM 2371
National Trails National Scenic Trails National Historic Trails	Congressional act designates.	FSM 2353.4
Wild and Scenic River	Congressional act designates.	FSM 1924 & FSM 2354 FSH 1909.12
Wilderness, or Wilderness Study Areas	Congressional act designates.	FSM 1923 & 2320 FSH 1909.12
Highway Systems, Interstate and National	Congressional act established process. Secretary of the Department of Transportation approves.	23 CFR part 470
Administratively Designated Areas		
Botanical Area, Geological Area, Historical Area, Paleontological Area, Recreational Area, Scenic Area, or Zoological Area	Responsible official recommends. Forest supervisor may designate areas less than 160 acres. Regional forester may designate areas less than 100,000 acres. Secretary of Agriculture designates areas of 100,000 acres or larger.	36 CFR 294.1 FSM 2372
Designated Critical Habitat	Director of FWS	ESA
Designated Inventoried Roadless Areas	Secretary of Agriculture	36 CFR Part 294--Special Areas Subpart B, Subpart C, and Subpart D,
Experimental Forest or Range	Responsible official recommends with concurrence of station director Chief designates.	FSM 4062
National Historic Landmark National Natural Landmark	Responsible official recommends. Secretary of the Interior designates.	FSM 2373 36 CFR 751, FSM 2364.4
Research Natural Area	Responsible official recommends. Regional forester designates, with concurrence of station directors.	FSM 4063
Scenic Byway - Forest Service	Responsible official recommends. Chief designates.	None
Scenic Byway - National	Responsible official recommends. Federal Highway Administration designates.	23 CFR part 162 program guides.
Significant Caves National Recreation Trails	Responsible official recommends. Regional forester designates.	36 CFR part 290 FSM 2353.4

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Recommendations for designated areas are limited to areas that meet the distinctive qualifications for designation that varies by category or type. See section 23.21 for guidance on plan components for recommended areas.

The term designated area is defined at FSH 1909.12, zero code, section 05. The 2012 Planning Rule requires the responsible official to identify existing designated areas and determine whether to recommend any areas:

(2) In developing a proposed new plan or proposed plan revision, the responsible official shall:

* * *

(vii) Identify existing designated areas other than the areas identified in paragraphs (c)(2)(v) and (c)(2)(vi) of this section, and determine whether to recommend any additional areas for designation. If the responsible official has the delegated authority to designate a new area or modify an existing area, then the responsible official may designate such area when approving the plan, plan amendment, or plan revision. (36 CFR 219.7(c)(2))

Under 36 CFR 219.10(b) the responsible officials must ensure designated areas have appropriate plan components when developing a new plan or revising a plan:

(b) Requirements for plan components for a new plan or plan revision. (1) The plan must include plan components, including standards or guidelines, to provide for:

* * *

(vi) Appropriate management of other designated areas or recommended designated areas in the plan area, including research natural areas.

The intent behind identifying designated areas in plans and recommending or designating new areas and providing appropriate management direction for them in the plan is to:

1. Assure that plans identify previously existing areas that Congress, the Department, the Agency, or other Federal agencies has established; and
2. Recommend areas where doing so would help to carry out the distinctive role and contributions of the plan area in the broader landscape or contribute to achieving desired conditions for the plan area.

Responsible officials must identify in plans the designated areas that have been previously designated by statute or through a separate administrative process. Plans may also include

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designated areas designated by the responsible official at the time of plan approval. If a responsible official lacks authority to designate an area, the official may recommend designation using appropriate procedures.

Plans must identify designated areas. Designated areas may be identified on a map or identified by the use of a narrative. A plan may identify a designated area (or designated areas of the same type) as a management area or geographic area, but need not do so, because some designations do not need unique plan components. Other designations may have plan specific components applied without the concept of a unique management area by including the designated area within a management area or several management areas where the plan components are compatible with the designation, or including plan component direction within forest-wide direction that apply to the special character of the designated area.

When a designated area is placed on multiple plan areas, the responsible official should coordinate with the other responsible officials in developing plan components that are compatible across the multiple plan areas. See FSM 2370 for further guidance on special recreation designated areas and authorities for botanical area, geological area, and others.

The Chief must be notified if the plan development, plan amendment, or plan revision makes preliminary recommendations that ultimately require Congressional action. The responsible official, through the regional forester, shall notify the Chief by letter of tentative preliminary administrative recommendations. Examples of preliminary recommendations for Congressional action include additions to or deletions from the National Wilderness Preservation System, National Trails, National Recreation Areas; studies or changes to the National Wild and Scenic River System; and proposed adjustments in national forest, grassland, prairie, or other comparable administrative unit's boundaries.

Designated inventoried roadless areas governed by the Roadless Area Conservation Rule (36 CFR 294 Subpart B) or State roadless areas governed by State roadless rules such as: Idaho Roadless Rule (36 CFR 219 Subpart C) or Colorado Roadless Rule (36 CFR 219 Subpart D) are administratively designated areas in many NFS plan areas. Responsible officials do not have the authority to recommend additional designated roadless areas or to modify the boundaries of designated roadless areas covered by such rules in the planning process. The spatial information for the boundaries of designated roadless areas is available at Roadless Area Conservation website: <http://fs.usda.gov/roadless/>.

Designated roadless areas under a roadless rule may be, but are not required to be, identified as unique management areas in a plan. Responsible officials, when developing plan components that apply to designated roadless areas, must acknowledge and ensure that plan components are compatible with the management restrictions associated with the designated roadless areas. The responsible official can have other management direction apply to these areas as long as the plan components are compatible with the restrictions of the applicable roadless rule.

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For evaluation of areas for potential wilderness recommendations, see FSM 1923 and FSH 1909.12, chapter 70. For evaluation of rivers for potential wild and scenic river recommendations, see FSM 1924 and FSH 1909.12, chapter 80.

22.3 - Other Required Content in the Plan

22.31 - Priority Watersheds

Land management plan decisions must:

- (i) Identify watershed(s) that are a priority for maintenance or restoration; (36 CFR 219.7(f)(1))**

The responsible official should consider the Forest Service national watershed condition framework (WCF) approach or another approach with similar purpose when identifying watersheds that are a priority for maintenance or restoration. The WCF publication is available at http://www.fs.fed.us/publications/watershed/Watershed_Condition_Framework.pdf. WCF priority watersheds are mapped online at the USDA Forest Service Watershed Condition and Prioritization Interactive map at <http://apps.fs.usda.gov/WCFmapviewer/>.

The responsible official should develop plan components that address concerns identified for priority watersheds during the planning process. The identification of a priority watershed in the plan does not by itself guide management activities. For example, if a plan objective is that the top three priority watersheds are fully restored by year 10, the identification of the priority watersheds would determine which specific watershed is the subject of the objective.

The intent of identifying priority watersheds for maintenance or restoration is to focus effort on the integrated restoration of watershed conditions in these areas. Setting priorities helps ensure that investments provide the greatest possible benefits. Priority areas for potential restoration activities could change quickly due to events such as wildfire, hurricanes, drought, insect outbreaks, or the presence of invasive species. Therefore, this requirement is included as “other required content” in plans rather than as a required plan component, allowing an administrative change (sec. 21.5) to be used to change priority.

22.32 – Describe Distinctive Roles and Contributions of the Plan Area

The requirement that every plan describe the plan area's distinctive roles and contributions within the broader landscape is as follows:

- (f) Other content in the plan. (1) Other required content in the plan.**
Every plan must: ...

- (ii) Describe the plan area's distinctive roles and contributions within the broader landscape; (36 CFR 219.7(f))**

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The planning rule (36 CFR 219.2(b)) explains the types of things the responsible official considers when describing distinctive roles and contributions within the broader landscape:

. . . A plan reflects the unit's expected distinctive roles and contributions to the local area, region, and Nation, and the roles for which the plan area is best suited, considering the Agency's mission, the unit's unique capabilities, and the resources and management of other lands in the vicinity. . . .

Once described, the plan area's roles and contributions within the broader landscape can serve as a focused foundation or context that should be a unifying concept helping to define the vision for the plan area within the broader landscape. This description is important because it is a source of motivation or reasons behind desired conditions.

The development of the description of the distinctive roles and contribution of the plan area within the broader landscape should occur in the new plan development or plan revision phase. The responsible official should consider the information collected during the assessment phase on multiple uses and ecosystem services as a starting point for developing the distinctive roles and contributions.

The description of the plan area's distinctive roles and contribution within the broader landscape must not be a list of all the roles of the plan area. Rather, it should reflect those things that are truly unique and distinctive. Consider the following when describing the plan area's distinctive roles and contributions within the broader landscape:

1. The plan area's distinctive roles and contributions within the broader landscape:
 - a. Are truly unique attributes of the plan area, or are unique benefits (uses, values, products, and services) provided by the plan area to the broader landscape;
 - b. Are important and relevant at the local, regional, and/or national level; and
 - c. Contribute toward social, economic, and ecological sustainability.
2. Descriptions of a plan area's roles and contributions may reflect the:
 - a. Ecological role of the plan area in the broader landscape;
 - b. Public input on plan area description of conditions, contributions, unique capabilities, and how the plan area provides for multiple uses and ecosystem services;
 - c. Economic benefits of uses, products, and services provided by the plan area;

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- d. Resources and management of other lands in the vicinity of the plan area in terms of social, cultural, economic, and ecological conditions; and
 - e. Role of the plan area in providing multiple uses including sustainable recreation and ecosystem services.
3. Examples of distinctive roles and contributions of a plan area within the broader landscape include:
- a. A downhill skiing designation;
 - b. Recharge areas for water supplies for large communities;
 - c. Major source of supply for local timber industry;
 - d. A primary conservation area for grizzly bear;
 - e. A designated area for high volume backpacking; and
 - f. Location of a specific river, protected under the Wild and Scenic Rivers Act, nationally known for white water rafting.
4. Outreach and context considerations include:
- a. Engagement of communities, individuals, Indian Tribes, and others early in the participation process, to define existing and desired roles and contributions of the plan area;
 - b. Outreach to engage underserved populations (FSH 1909.12, ch. 40, sec. 40);
 - c. Collaborative processes to achieve understanding of the communities' lifestyle, values, attitudes, beliefs, and other conditions, as appropriate;
 - d. Consideration of the areas and populations to which plan area contributions apply at a local, regional, and national scale, as appropriate;
 - e. Consideration of the context of local, tribal, regional, and national perspectives;
 - f. Consideration of the context to the Agency's mission and strategic plan goals; and
 - g. Consideration of current, emerging, and projected program output and ecosystem services.

22.33 - Plan Monitoring Program

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A land management plan must contain a plan monitoring program (36 CFR 219.12). Plan monitoring is described in FSH 1909.12, chapter 30.

22.34 - Proposed and Possible Actions

(f) Other content in the plan. (1) Other required content in the plan.

Every plan must: ...

(iv) Contain information reflecting proposed and possible actions that may occur on the plan area during the life of the plan, including: the planned timber sale program; timber harvesting levels; and the proportion of probable methods of forest vegetation management practices expected to be used (16 U.S.C. 1604(e)(2) and (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)). (36 CFR 219.7(f))

The land management plan must include a list of types of possible projects for the next 3 to 5 years. The possible actions may be displayed in an appendix. A plan amendment is not required to change the list. The list should be presented as a brief summary of the types of possible projects expected to maintain or move toward the desired conditions in the next 3 to 5 years. In addition, the possible actions listed should include exhibits of the possible timber sale program if applicable; see examples of such exhibits in FSH 1909.12, chapter 60.

The plan’s discussion of possible actions must explicitly say that the type of actions described do not commit the Agency to perform that work, but are provided as possible actions that would likely be consistent with plan components, particularly the desired conditions and objectives.

The identification of possible actions should include an estimate of timber harvesting level, but should not include speculation about the specific amount, frequency, location, magnitude, or quantities of actions during the plan period. Do not place a “to do” list of projects and expected dates in the plan. If management approaches are included as optional content in the plan (sec. 22.4); they may be used to inform future proposed and possible actions.

22.35 - Description of Project Consistency Requirements

The plan must include an explanation of the requirements for project consistency with a plan, as set out in sections 22.35a through 22.35d.

22.35a - Determining Consistency with Desired Conditions, Objectives, and Goals

A project is consistent with plan desired conditions, objectives, or goals if the project:

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1. Maintains or makes progress toward attaining one or more plan desired conditions, objectives, or goals without adversely affecting progress toward maintenance of other desired conditions, objectives, or goals;
2. Is neutral with regard to progress toward attaining the plan's desired conditions, objectives, or goals;
3. Maintains or makes progress toward attaining one or more of the desired conditions, objectives, or goals over the long-term even if the project or activity would have an adverse but short-term effect on progress toward attaining, or maintenance of, one or more desired conditions, objectives, or goals; or
4. Maintains or makes progress toward attaining one or more of the plan's desired conditions, objectives, or goals even if the project or activity would have an adverse but negligible long term effect on progress toward attaining, or maintenance of, other desired conditions, objectives, or goals.

The project decision document must include a finding that the project is consistent with the plan's desired conditions, objectives, or goals, and briefly explain the basis for that finding. When a CE applies and there is no project decision document, the finding and explanation must be in the project record.

22.35b - Determining Project Consistency with Standards

The project documentation must confirm that the project or activity is designed in exact accord with all applicable plan standards.

22.35c - Determining Project Consistency with Guidelines

The project documentation must briefly explain how the project is consistent with the applicable plan guidelines. When the project is designed in exact accord with a guideline, the project documentation must simply confirm that fact. When the project varies from the exact words of the guideline, the project documentation must specifically explain how the project design is as effective in meeting the purpose of the guideline.

22.35d - Determining Project Consistency with Suitability of Land Determinations

The project documentation should confirm that the project or activity is either:

1. A use for which the area is specifically identified in the plan as suitable, or
2. Not a use for which the area is specifically identified in the plan as suitable, but is not a use precluded by a “not suitable” determination.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**22.4 - Optional Content in the Plan**

Optional content in the plan is discussed at 36 CFR 219.7(f)(2):

(2) *Optional content in the plan.* A plan may include additional content, such as potential management approaches or strategies and partnership opportunities or coordination activities.

Plans may include information other than the plan components, such as an explanatory narrative, general management principles, management approaches, management challenges, performance history, performance risks, or referenced material. This optional other information must not be labeled or worded in a way that suggests it is a plan component. Also, other information must not include, nor appear to include, a “to do” list of tasks or actions.

The intent of including an optional explanatory narrative on performance history, management approaches, and so on is to show the public how planned outcomes are built on trends from the recent past, while also reflecting movement toward the desired condition. A discussion of performance risks could give the public a realistic expectation regarding the plan area’s ability to achieve the objectives. The responsible official should consider whether adding optional content to the plan could facilitate transparency and give the public and governmental entities a clear understanding of the plan area’s purpose and how outcomes would likely be delivered. As things change the optional plan content can be updated with administrative changes.

If management approaches are included, management approaches should briefly describe the principal management approaches the responsible official is inclined to take during the plan period. The approaches should come from and respond to the desired conditions and the objectives. They may convey a sense of priority and focus among objectives so that the public knows the likely management emphasis. When appropriate, management approaches may indicate the future course or direction of change, recognizing past trends of budget and program accomplishments, without making precise estimates of quantities. Management approaches may discuss potential processes such as analysis, assessment, inventory, or monitoring. This optional section must avoid making predictions or any statements that appear to be commitments or that may create unrealistic expectations among the public on the delivery of programs.

Optional content in the plan may also describe partnership opportunities and collaboration arrangements that support the achievement of desired conditions and objectives.

22.5 – Public Use Prohibitions, Project and Activity Decisions, and Plan Components

Plan components may not include “prohibitions” of unregulated public uses such as camping, picnicking, hiking, fishing, boating, hunting, or horseback riding. Plan components (such as standards or identifying lands as not suitable for a particular use in a plan) apply only to the Forest Service when making project and activity decisions. The identification of suitable or not

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suitable does not apply to the public. Public use prohibitions and project and activity decisions are actions but not plan components.

1. Project or activity decisions may be made in conjunction with the decision to approve a land management plan, but they do not thereby become plan components. Examples of project decisions are:

a. A final decision authorizing a project or activity, even if approved with the land management plan. An example of a decision that authorizes a project or activity includes: “The XXX project is hereby authorized.” This type of decision is a separate action that must independently comply with NEPA. In addition to typical projects, such a final project decision could include designation of roads, trails, and areas for motor vehicle use under 36 CFR 212.50. Any environmental analysis necessary for these actions may be included with the plan development analysis and reflected in the plan decision document or conducted and documented separately. Another example is that an oil-gas leasing decision is not a plan decision, but may be included with the plan decision with a separate record of decision. See 36 CFR 228.102 (d).

b. Any public use prohibition. A plan component guides actions taken by the Agency, but a plan component such as a standard does not directly or automatically prohibit public uses. Any constraint on the public’s use of NFS lands, not otherwise imposed by law or regulation or subject to a permit, requires the issuance of an order under 36 CFR part 261, subpart B. An example of such an order is : “The following act is prohibited on XXX National Forest: possessing or using a bicycle except on forest roads open to highway legal vehicles, trails designated for bicycle use, developed recreation areas, and trailheads (36 CFR 261.55(c)).”

2. For plan components, it may be best to deal with these public use prohibition situations by identifying not suitable land uses and establishing objectives to have such uses controlled in a specified time, for example:

a. Place the following words in suitability section of plan: “Forest roads open to highway legal vehicles, trails designated for bicycle use, developed recreation areas, and trailheads are suitable for mountain bicycle use.”

b. Place the following words in the objective section of the plan: “Issue a closure order prohibiting the use of mountain bicycles except on forest roads open to highway legal vehicles, trails designated for bicycle use, developed recreation areas, and trailheads within 1 year of plan approval.”

c. Prepare appropriate NEPA documentation, project decision, and issue the relevant closure order within 1 year of approving the plan decision.

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When an order is issued simultaneously with a plan, such orders may be authorized in the plan decision document. The NEPA analysis for the order may be included with the plan development analysis and is outside the scope of the planning categorical exclusion (36 CFR 220.6(e)(16)).

See exhibit 01 for a demonstration of how designation of land not suitable for a public use affects land management.

22.5 - Exhibit 01**Example of how suitability of lands for a particular use affects on-the-ground management**

- A plan may identify an area as not suitable for equestrian riding.
- There is no immediate effect of the plan decision. People may still ride horses in this area.
- Because of the plan decision, officials responsible for Agency projects may not issue authorizations for equestrian events, or approve equestrian trail construction, or maintenance.
- An appropriate responsible official may issue a closure order to carry out the plan, but is not required to do so (even if there is an objective in the plan to close the area).
- If a closure order is issued, then an Agency law enforcement official may issue a citation to people who may be riding in the area.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**23 – RESOURCE REQUIREMENTS FOR INTEGRATED PLAN COMPONENTS**

This section provides a framework for the development of an integrated set of plan components that provides for ecological sustainability (ecosystem diversity and ecosystem integrity) and contributes to social and economic sustainability, including providing for ecosystem services and multiple uses in the plan area, and addressing the relevant requirements of the 2012 Planning Rule at 36 CFR 219.7–219.10.

§ 219.8 Sustainability.

The plan must provide for social, economic, and ecological sustainability within Forest Service authority and consistent with the inherent capability of the plan area, as follows: . . .

(b) Social and economic sustainability. The plan must include plan components, including standards or guidelines, to guide the plan area's contribution to social and economic sustainability, taking into account: . . .

§ 219.9 Diversity of plant and animal communities. This section adopts a complementary ecosystem and species-specific approach to maintaining the diversity of plant and animal communities and the persistence of native species in the plan area. Compliance with the ecosystem requirements of paragraph (a) is intended to provide the ecological conditions to both maintain the diversity of plant and animal communities and support the persistence of most native species in the plan area. Compliance with the requirements of paragraph (b) is intended to provide for additional ecological conditions not otherwise provided by compliance with paragraph (a) for individual species as set forth in paragraph (b). The plan must provide for the diversity of plant and animal communities, within Forest Service authority and consistent with the inherent capability of the plan area.

§ 219.10 Multiple use.

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

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This opening section discusses the intent of the directives. The following sections (sec. 23.1 through 23.22q) gives additional direction to the responsible official to carry out the 2012 Planning Rule requirements to develop plan components that contribute to social and economic sustainability, provide for ecological sustainability, and provide for ecosystem services and multiple uses. While plans cannot guarantee sustainability, plan components are more likely to be successful if they reflect the general context in which the plan operates as well as constraints of the inherent capability of the plan area, the Agency's authority, and the fiscal capability of the unit (36 CFR 219.1(g)). It is also important to note that plan components themselves do not compel Agency action or guarantee specific results. Instead, they provide the vision, strategy, guidance, and constraints needed to move the plan area toward sustainability.

The following sections (sec. 23.1 through 23.22q) discuss how to build integrated plan components, based on relevant information from the assessment and the information from public and governmental participation opportunities. The requirements related to various elements of sustainability are provided in the following order: ecological integrity; ecosystem diversity; air, soil, and water; additional species-specific plan components for at-risk species; social and economic sustainability, ecosystem services, and multiple uses.

1. Ecological integrity and Ecosystem Diversity. The following terms and concepts form the basis of plan components for ecological integrity and ecosystem diversity:

a. Ecosystem diversity. Ecosystem is defined at 36 CFR 219.19 as “a spatially explicit, relatively homogeneous unit of the Earth that includes all interacting organisms and elements of the abiotic environment within its boundaries.” Ecosystem diversity is defined at 36 CFR 219.19 as “the variety and relative extent of ecosystems.” The plan must include plan components to maintain the diversity of ecosystems and habitat types in the plan area (36 CFR 219.9(a)(2)). Ecosystems include terrestrial, aquatic, and riparian ecosystems.

b. Ecological integrity. “The quality or condition of an ecosystem when its dominant ecological characteristics (for example, composition, structure, function, connectivity, and species composition and diversity) occur within the natural range of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human influence” (36 CFR 219.19). The intent of the directives is that plan components be designed to maintain or restore the ecological integrity of ecosystems and the benefits that people obtain from those ecosystems (ecosystem services). Ecological integrity includes the structure, function, composition, and connectivity of these ecosystems as a whole and the key characteristics within each ecosystem (36 CFR 219.9(a)(2)).

c. Maintain or restore. The intent of the directives is that plan components be designed to maintain resources that have ecological integrity and to restore conditions where they are degraded, damaged, or destroyed.

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Maintain is defined as “to keep in existence or continuance of the desired ecological condition in terms of its desired composition, structure, and processes. Depending upon the circumstance, ecological conditions may be maintained by active or passive management or both.” (See 36 CFR 219.19).

Restore is defined as to renew by “assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Ecological restoration focuses on reestablishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial and aquatic ecosystems sustainability, resilience, and health under current and future conditions.” (See 36 CFR 219.19).

The intent of the directives is for plan components to be designed to maintain existing conditions when they are the desired conditions, and restore conditions where they are degraded. In some instances, however, it may be impracticable or impossible to restore degraded, damaged, or destroyed ecological systems in a plan area because of cost or unacceptable tradeoffs between other resource and restoration needs, or because restoration is outside the capability of the land or Forest Service authority. There are also degraded areas on NFS lands where the tools or methods are not currently available to effectively restore them to desired conditions.

At such times, plan components to maintain existing, less than desirable conditions in the short-term may be critical to preventing further degradation and for successful restoration towards desired conditions over the long-term. For example, the primary management emphasis in some areas may be reducing the spread of invasive species when eradication is not currently feasible.

d. Structure, function, composition, and connectivity. These four characteristics are commonly used to describe an ecosystem. They are interdependent and must be considered together when designing plan components. The intent is for the responsible official to use the information about key ecosystem characteristics from the assessment to design plan components to maintain or restore structure, function, composition, and connectivity so the plan area has: (1) functional ecosystems that sustain the diversity of plant and animals communities; and (2) ecosystems can withstand and recover from most perturbations imposed by the natural environmental dynamics or human influences.

These four terms are defined at 36 CFR 219.19:

(1) Composition. “The biological elements within the different levels of biological organization, from genes and species to communities and ecosystems.”

(2) Structure. “The organization and physical arrangement of biological elements such as, snags and down woody debris, vertical and horizontal distribution of vegetation, stream habitat complexity, landscape pattern, and connectivity.”

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(3) Function. “Ecological processes that sustain composition and structure, such as energy flow, nutrient cycling and retention, soil development and retention, predation and herbivory, and natural disturbances such as wind, fire, and floods.”

(4) Connectivity. “Ecological conditions that exist at several spatial and temporal scales that provide landscape linkages that permit the exchange of flow, sediments, and nutrients; the daily and seasonal movements of animals within home ranges; the dispersal and genetic interchange between populations; and the long distance range shifts of species, such as in response to climate change.”

e. Natural range of variation(NRV). The natural range of variation (NRV) defined in FSH 1909.12, Zero Code, Section 05 describes the variation in physical and biological conditions exhibited by ecosystems as a consequence of climatic fluctuations and disturbance regimes. NRV is a useful tool for understanding past ecological processes and the resulting biological diversity that persisted under those conditions.

The coarse-filter approach uses NRV as a framework, because native species evolved and adapted within the limits established by natural landforms, vegetation, and disturbance patterns before extensive human alteration. NRV is a tool, because maintaining or restoring ecological conditions similar to those under which native species have evolved would offer good assurance against losses of biological diversity and would maintain habitats for the vast majority of species in an area, subject to factors outside of the Agency's control, such as climate change.

NRV can also be a fundamental tool in strategic thinking and planning, even if restoration to historical conditions is not the management goal or possible. NRV evaluation provides the ecological understanding of temporal dynamics of systems and its consequences for management understanding of the specific geographic location under consideration, its existing ecological conditions, and projections of various climate regimes that might characterize the area in the future.

f. Scientific understanding of ecological integrity factors. When it is not appropriate, practical, or possible to restore key ecosystem characteristics within the NRV, responsible officials may choose to design plan components based on a general scientific and ecological understanding of the conditions that would sustain key ecosystem characteristics and sustain at-risk species such as the following:

(1) Representativeness of ecosystem types. Maintaining the integrity of representative examples of major ecosystem types or unique or pristine ecosystems is one way of maintaining ecosystem diversity. For example, the research natural area program of the National Forest System has been established to maintain a wide spectrum of high quality representative areas that represent the major forms of variability found in forest, shrubland, grassland, alpine, and natural situations that

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have scientific interest and importance that, in combination, form a national network of ecological areas for research, education, and maintenance of biological diversity (FSM 4063.02).

(2) Redundancy. Redundancy in ecosystem functionality is supported when key ecosystem characteristics that perform the same or similar functions in that system can replace those that are lost. Diverse ecosystems tend to possess higher degrees of functional redundancy and have the ability to continue ecological functions (such as production) even when the species providing those functions change. An example of functional redundancy occurred when the introduction of chestnut blight led to the decimation of American chestnut, a dominant tree species and important mast source of the southeastern forests of the United States. With the demise of chestnut, other species (such as oaks and hickories) attained greater prominence and continued to provide a source of food for a variety of animals.

(3) Habitat associations of particular species. Plan components could be designed to provide the structure, function, composition, and connectivity needed by a particular species such as: at-risk species, ecological engineers (for example, beavers), keystone species (species having a strong influence on kinds and abundances of other species), link species (have strong influence on ecosystem functioning), or umbrella species (one whose minimum requirements are at least as comprehensive as those needed by the rest of the species associated with the ecosystem (for example, the northern spotted owl)).

2. Air, soil, and water. In designing plan components for ecological sustainability the responsible official shall ensure integration with plan components to maintain or restore the basic physical elements of air, soil, and water. These elements include air resources; clean, abundant water supplies (both surface and groundwater sources including groundwater, public water supplies, sole source aquifers, and source water protection areas), riparian areas, lakes, streams, wetlands; and soils and soil productivity; recognizing the importance of these elements as fundamental for maintaining the health and resilience of the overall ecosystems.

3. Additional species-specific plan components for at-risk species.

a. Coarse-filter/fine filter approach. The coarse-filter/fine-filter approach used in this directive is a complementary ecosystem and species-specific approach to provide for the diversity of plant and animal communities in the plan area and the long-term persistence of native species in the plan area. The ecosystem integrity and ecosystem diversity requirements provide the coarse-filter. These requirements should support the abundance, distribution, and long-term persistence of most native species within a plan area, as well as provide for diversity of plant and animal communities. The fine-filter provisions for at-risk species are intended to provide a safety net for those

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species whose specific habitat needs or other influences on their life requirements may not be fully met under the coarse-filter provisions.

b. At-risk species. At-risk species are federally recognized species under ESA (threatened, endangered, proposed, and candidate species) and species of conservation concern (SCC). A SCC is a “species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area” (36 CFR 219.9(c)).

This directive requires the responsible official to develop coarse-filter plan components, and fine-filter plan components if necessary, to contribute to the recovery of listed species and conserve proposed and candidate species.

In addition, the directive requires the development of coarse-filter plan components, and fine-filter plan components if necessary, to provide the desired ecological conditions necessary to maintain viable populations of SCC within the plan area, or to contribute to maintaining a viable population of a SCC across its range where it is not within the Agency's authority or is beyond the inherent capability of the plan area to provide the ecological conditions to maintain a viable population of that species within the plan area.

4. Social and economic sustainability. The directives require plan components to guide the plan area's contribution to social and economic sustainability (employment, income, community wellbeing, culture, and so on). In developing these plan components, the responsible official is to take into account, through the collaborative planning process and the results of the assessment—the social, cultural, and economic conditions relevant to the area influenced by the plan, the distinctive roles and contributions of the unit within the broader landscape; sustainable recreational opportunities and uses; multiple uses, including ecosystem services, that contribute to local, regional, and national economies in a sustainable manner; and cultural and historic resources and uses.

23.1 - Ecological Sustainability and Diversity of Plant and Animal Communities

To develop the land management plan consistent with maintaining ecological sustainability, the plan must include plan components designed to maintain, restore, or promote the ecological integrity of terrestrial, riparian, and aquatic ecosystems; maintain the diversity of plant and animal communities; and support the persistence of native species within the plan area, subject to the extent of Forest Service authority and the inherent capability of the plan area.

This section (sec. 23.1) gives direction for developing plan components for ecological sustainability and diversity of plant and animal communities. It consists of three subsections. The first two subsections, Plan Components for Ecosystem Integrity and Ecosystem Diversity

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(sec. 23.11-23.11d) and Plan Components for Air, Soil, and Water (sec. 23.12-23.12c) provide direction for design of plan components for the ecosystem and watershed level of the plan area.

The third subsection, Additional Species-Specific Plan Components (sec. 23.13-23.13c), gives direction for when the plan components developed under sections 23.11 and 23.12 would not provide for the ecological conditions necessary to contribute to the recovery of federally listed threatened and endangered species, conserve species that are proposed or candidates for Federal listing, and maintain viable populations of species of conservation concern within the plan area (36 CFR 219.9(b)(1)).

The plan development process for ecological sustainability and diversity of plant and animal communities should first and foremost focus on the ecosystem and watershed level plan components, especially those that also support ecological conditions for at-risk species. The combination of plan components developed for these three sections must incorporate a complementary ecosystem (coarse-filter) and species-specific (fine-filter) approach, and be designed to maintain ecological sustainability, the diversity of plant and animal communities, and the persistence of native species within the plan area. See section 22.1, exhibit 01 for hypothetical examples of plan components for ecological sustainability and ecosystem diversity.

When developing integrated plan components for ecological sustainability and diversity of plant and animal communities, based on the need to change (sec. 21.1), the responsible official should consider the following:

1. Plan components related to:
 - a. Major vegetation types and their successional stages, patch sizes, spatial arrangement, and connectivity;
 - b. Dominant ecological processes and disturbance regimes for the plan area;
 - c. Ecosystems and unique habitat types including those that are rare or at risk;
 - d. Invasive species;
 - e. Soil resources and soil productivity;
 - f. Air resources; and
 - g. Water quality and quantity, stream and other natural water flows, stream and lake morphology, wetlands, riparian areas, floodplains, and other groundwater-dependent ecosystems.
2. Plan components for maintenance or restoration of the key ecosystem characteristics including those that are rare or at risk (FSH 1909.12, ch. 10, sec. 12.15d) in the plan area.

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Whether plan components are designed to maintain or restore key ecosystem characteristics depends upon:

- a. The distribution and abundance of the key ecosystem characteristic within the planning area.
 - b. The social and economic factors related to the maintenance or restoration of the key ecosystem characteristic, if applicable.
 - c. The opportunities and potential for maintenance or restoration of the key ecosystem characteristics.
 - d. The level of risk (as determined in FSH 1909.12, ch. 10, secs. 12.15d and 12.55) and the specific threats to the key ecosystem characteristic, and the ability to affect these.
3. The range of ecological conditions established within the limits of the natural landforms, vegetation, and disturbance processes that existed prior to extensive human alteration (FSH 1909.12, ch. 10, sec. 12.15a).
 4. The variation in physical and biological conditions exhibited by ecosystems as a consequence of climatic fluctuations and disturbance regimes (FSH 1909.12, ch. 10, sec. 12.3).
 5. The concept that the environmental conditions that sustained species and other ecosystem components in the past are likely to sustain them, at least over the short term, in the future (Weins et al, 2012).
 6. The potential influences of threats and stressors on key ecosystem characteristics including those that are beyond the control of the agency that are likely to affect ecological conditions on the plan area during the life of the proposed plan (15 years) (FSH 1909.12, ch. 10, sec. 12.32). The term stressor is defined at FSH 1909.12, zero code, section 05.

The development of these ecosystem scale plan components is an iterative process as emerging plan components are evaluated and adjusted to meet the ecological conditions of at-risk species within the plan area (sec. 23.13).

23.11 - Plan Components for Ecosystem Integrity and Ecosystem Diversity

23.11a – Natural Range of Variation

The plan components designed to maintain or restore the ecosystem integrity of the diversity of terrestrial, riparian, and aquatic ecosystems and habitat types throughout the plan area provide the ecosystem (coarse-filter) approach to maintaining the persistence of native species. When

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developing such plan components, the responsible official shall consider the role of the natural range of variation as follows:

1. NRV should be used to design plan components if appropriate. If appropriate, the responsible official should design plan components to facilitate maintenance or restoration of specific key ecosystem characteristics needed to restore ecosystem integrity by moving conditions towards those created under ecological processes and landscape disturbance regimes that occurred before extensive human alteration.
2. Exceptions. In some situations, the responsible official may determine that certain key ecosystem characteristics are outside the NRV and that it is not appropriate, practical, or possible to contribute to the restoration of NRV conditions. Examples of situations when restoring conditions is not appropriate, practical, or possible include when:
 - a. The system is so degraded that restoration is not possible.
 - b. Restoration needs are either socially unacceptable or are not economically feasible.
 - c. The system is no longer capable of sustaining key ecosystem characteristics relative to NRV based upon likely future environments.
 - d. The ability to restore the desired ecological conditions or key ecosystem characteristics is beyond the authority of the Agency or the inherent capability of the plan area.
3. If NRV is not appropriate, use Best Available Scientific Information (BASI) to inform design of plan components. In these situations the responsible official should:
 - a. Design for ecosystem integrity based on a general scientific and ecological understanding of the conditions that would sustain key ecosystem characteristics and sustain at-risk species using factors such as: representativeness, redundancy, habitat associations of particular species, or other factors (FSH 1909.12, ch. 10, sec. 12.15b and sec. 23); and
 - b. Explain in the plan decision document the rationale for NOT designing plan components to maintain or restore certain key ecosystem characteristics to within the NRV.

23.11b - Landscape Design Considerations

The responsible official should take into account landscape design considerations when designing plan components for ecosystem integrity and ecosystem diversity. When doing so, the responsible official should consider the following:

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1. Multiple spatial and temporal scales. The arrangement of ecological conditions and key ecosystem characteristics at multiple spatial and temporal scales are important.
2. At-risk species. The responsible official should base the design of plan components on the key ecosystem characteristics related to the composition, structure, ecological processes, and connectivity of plan area ecosystems and ecological conditions necessary to sustain the at-risk species that were identified in the assessment phase (FSH 1909.12, ch. 10, sec. 12) or brought forward during the public and governmental participation process.
3. Landscape patterns that promote long-term ecological integrity and ecosystem diversity. Landscape pattern is defined as the arrangement, connectivity, composition, size, and relative abundance of ecosystem patches that occur within an area of land at a given time. Patches can be characterized by vegetation type, seral stage, habitat type, or other features relevant to a management question. The responsible official should consider plan components for landscape patterns that promote long-term ecological integrity and ecosystem diversity. Examples ways of providing plan components for such patterns include:
 - a. Designing ecosystem (coarse-filter) connectivity through a conservation design based on landscape patterns created under ecological processes and landscape disturbance regimes that occurred before extensive human alteration if appropriate considering the influence of climate change.
 - b. Designing spatial configuration of desired conditions relative to the NRV conditions, including the scale, frequency, and intensity of system drivers of temporal ecosystem change. (FSH 1909.12, ch. 10, sec. 12.15a; Weins et al, 2012).
 - c. Designing for ecosystem integrity based on a general scientific and ecological understanding of the conditions that would sustain key ecosystem characteristics and sustain at-risk species using factors such as: representativeness, redundancy, habitat associations of particular species, or other factors (FSH 1909.12, ch. 10, sec. 12.15b and sec. 23).
 - d. Maintaining a representative range of successional states for all ecosystems and in patch configurations similar to those that occurred under historical conditions, at a scale resilient to natural disturbances.
 - e. Maintaining the integrity of scarce or unique smaller areas through compatible desired conditions and levels of disturbance for areas around them.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**23.11c - Ecosystem Integrity****219.8 Sustainability**

(a) Ecological sustainability. (1) Ecosystem Integrity. The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity, taking into account:

(i) Interdependence of terrestrial and aquatic ecosystems in the plan area.

(ii) Contributions of the plan area to ecological conditions within the broader landscape influenced by the plan area.

(iii) Conditions in the broader landscape that may influence the sustainability of resources and ecosystems within the plan area.

(iv) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change.)

(v) Wildland fire and opportunities to restore fire adapted ecosystems.

(vi) Opportunities for landscape scale restoration.

...

§ 219.9 Diversity of plant and animal communities.

. . . (a) Ecosystem plan components. (1) Ecosystem integrity. As required by § 219.8(a), the plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore their structure, function, composition, and connectivity. ...

Plans must contain plan components that address the composition, structure, ecological processes, and connectivity of plan area ecosystems in a manner that promotes their ecological integrity (36 CFR 219.8(a) and 219.9(a)(1). Ecological integrity is defined in FSH 1909.12, zero code, section 05.

Plan components for ecosystem integrity should be based on ecological conditions and key ecosystem characteristics related to the composition, structure, function, and connectivity of plan

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area ecosystems that were identified in the assessment phase (FSH 1909.12, ch. 10, sec. 12.14) or brought forward during the public and governmental participation process. The responsible official shall take into account:

1. Interdependence of terrestrial and aquatic ecosystems in the plan area. Develop plan components in an integrated manner reflecting the interaction and interdependence of terrestrial, aquatic, and riparian ecosystems in the plan area.
2. Contributions of the plan area to ecological conditions within the broader landscape influenced by the plan area. When developing plan components under sections 23.11-23.11d, the ID Team should consider the following:
 - a. Ecological conditions within the broader landscape and how those conditions may be influenced by resources or management within the plan area.
 - b. Ecological conditions, habitats, or key ecosystem characteristics in the plan area that are unique, under-represented, or rare across the broader landscape (FSH 1909.12, ch. 10, sec. 12.15d).
 - c. Ecological connectivity at multiple temporal and spatial scales that would provide landscape linkages facilitating the exchange of resources and the movements of species across the broader landscape (FSH 1909.12, ch. 10, sec. 12.15c).
3. Conditions in the broader landscape that may influence the sustainability of resources and ecosystems within the plan area. When developing plan components under sections 23.11-23.11d, the ID team should consider the ecological conditions in the broader landscape that may influence the sustainability of the plan area and should consider the following:
 - a. Existing conditions on adjacent non-NFS lands of the broader landscape that may influence the plan area's ability to maintain or restore ecological integrity of plan area ecosystems, such as habitat fragmentation, land use patterns, natural resource management, or urbanization (FSH 1909.12, ch. 10, sec. 12.15d).
 - b. Facilitating or mimicking dominant ecological processes and system drivers of the broader landscape, especially those related to fire adapted ecosystems (FSH 1909.12, ch. 10, sec. 12.3).
 - c. Collaborating with other land managers across the broader landscape in developing an all-lands approach to managing ecological resources in a manner that promotes the ecological integrity of terrestrial, riparian, and aquatic ecosystems in the plan area (FSH 1909.12, ch. 40).

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4. System drivers, including dominant ecological processes, disturbance regimes, and stressors. When developing plan components under sections 23.11-23.11d, the responsible official should consider dominant ecological processes, disturbance regimes, and stressors (FSH 1909.12, ch. 10, sec. 12.32) and should:

- a. Consider plan components designed to facilitate ecosystem adaptation to the effects of stressors, if restoration is not feasible.
- b. Consider developing plan components designed to limit the ability of stressors to impact ecosystem integrity, and to mitigate the effects of stressors that cannot be excluded. In doing so, consider the following:
 - (1) Providing protection for areas of high ecosystem integrity, or areas of social, cultural, or economic importance.
 - (2) Mitigating stressors associated with management, such as equipment impacts on soils and water, or movement of invasive species via vehicles and foot travel.
 - (3) Mitigating, if feasible, the effects of widespread environmental stressors such as air pollution and influence of changing climate.

5. Opportunities for landscape scale restoration. When considering opportunities for plan components for landscape-scale restoration of ecological integrity, and if feasible and appropriate, and, in keeping with the inherent capability of the land, the ID Team may consider:

- a. The role of the plan area within the broader landscape, including capability and condition of terrestrial, aquatic, and riparian systems.
- b. Complementing restoration goals for other lands adjacent to the plan area, if available.
- c. Compensating for degraded conditions in the broader landscape.
- d. The broad-scale context of scarcity and abundance, and ability to restore and maintain desired features or conditions that are scarce in the broader landscape (FSH 1909.12, ch. 10, sec. 12.15d).
- e. Aligning desired ecological conditions with landscape-scale ecological units, such as the land-type association level of the National Hierarchical Framework of Ecological Units (FSM 2060.3), if feasible, to simplify analysis and management by reducing the variability of vegetation types, land capability, and response to management.

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f. Opportunities for partnerships to support restoring ecological conditions at the appropriate geographic scale.

6. Opportunities to restore fire-adapted ecosystems. The responsible official should consider and integrate plan components related to wildland fire, fuels management, and opportunities to restore fire-adapted ecosystems when developing plan components for ecological integrity. The development of such plan components should be based on the information such as community assessment and mitigation plans, fire's historic role in the plan area, local community wildfire protection plans, local risk assessments, trends in fire behavior, and wildland-urban interface (WUI) areas identified in the assessment phase (FSH 1909.12, ch. 10, sec. 12.3) or brought forward during the public and governmental participation process. When developing or revising a plan, plan components for fire or fuels management could include the following:

a. Desired Conditions. Desired conditions would be appropriate for fuel conditions, fire severity, fire frequency, and so on. These desired conditions should be integrated with the other vegetative and air desired conditions. Desired conditions must define and identify fire's role in the ecosystem. In addition, the following topics should be considered: current management strategies, hazardous fuels, prevention, public and firefighter safety, smoke management, values to be protected from or enhanced by wildland fire, and wildland-urban interface.

b. Objectives. If fuels conditions are an issue in WUI areas, the plan should include a plan objective that sets forth a projection of the number of fuel treatment acres meeting an integrated desired vegetative and fuel condition in a specific time to move toward (or maintain) the desired condition.

c. Standards or guidelines. The plan may include standards or guidelines related to basic smoke management practices, non-fire fuels treatments, post-fire rehabilitation, prescribed fire treatments, and wildland fire responses. A guideline or standard may be used to provide guidance on when or how a specific tool is appropriate.

23.11d - Ecosystem Diversity

The rule requirements for ecosystem diversity from 36 CFR 219.9(a)(2) are:

(2) *Ecosystem diversity.* The plan must include plan components, including standards or guidelines, to maintain or restore the diversity of ecosystems and habitat types throughout the plan area. In doing so, the plan must include plan components to maintain or restore:

(i) Key characteristics associated with terrestrial and aquatic ecosystem types;

(ii) Rare aquatic and terrestrial plant and animal communities; and

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**(iii) The diversity of native tree species similar to that existing in the plan area.**

Plan components designed to maintain or restore the diversity of terrestrial, riparian, and aquatic ecosystems and habitats throughout the plan area are fundamental to providing ecological conditions which support the abundance, distribution, and long-term persistence of native species and the diversity of plant and animal communities. In addition, diversity of ecosystems within the unit is an important aspect of the coarse filter, supporting diversity as well as integrity of ecosystems supports the ability of the unit to provide for species diversity and the persistence of native species within the plan area. The intent is to maintain or restore the diversity and integrity of ecosystems throughout the plan area as a whole as well as maintain or restore key elements of the ecosystems.

See section 23 for a discussion of the intent of ecosystem diversity requirements.

The terms ecosystem diversity and habitat type are defined in FSH 1909.12, zero code, section 05. The terrestrial, riparian, and aquatic ecosystems to be addressed in the planning process are identified in the assessment phase (sec. 12.12) or brought forward during the public and governmental participation process. See sections 23.1–23.12c for direction on plan components related to maintaining or restoring these ecosystems. When developing plan components to maintain or restore the diversity of ecosystems and for these ecosystems and habitat types, consider the following:

1. The spatial extent and distribution of the ecosystem or habitat type and relationship to NRV (sec. 23.11).
2. The importance of the ecosystem or habitat type to providing ecological conditions that contribute to the recovery of threatened and endangered species, conserve proposed and candidate species, and maintain viable populations of species of conservation concern (sec. 23.13).
3. How plan components developed for large-scale ecosystems, like longleaf pine forests, would maintain or restore rare or unique embedded communities, like hillside bogs and longleaf savannahs (FSH 1909.12, ch. 10, sec. 12.15d).
4. How plan components developed for the ecosystems would contribute to maintaining the persistence of native tree species within the plan area.
5. How the plan components for key characteristics of the ecosystem or habitat types contribute to the broader biodiversity of ecosystems across the plan area.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**23.11e - Riparian Areas****(a) Ecological sustainability.*********

(3) Riparian areas. (i) The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of riparian areas in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity, taking into account:

(A) Water temperature and chemical composition;

(B) Blockages (uncharacteristic and characteristic) of water courses;

(C) Deposits of sediment;

(D) Aquatic and terrestrial habitats;

(E) Ecological connectivity;

(F) Restoration needs; and

(G) Floodplain values and risk of flood loss.

(ii) Plans must establish width(s) for riparian management zones around all lakes, perennial and intermittent streams, and open water wetlands, within which the plan components required by paragraph (a)(3)(i) of this section will apply, giving special attention to land and vegetation for approximately 100 feet from the edges of all perennial streams and lakes.

(A) Riparian management zone width(s) may vary based on ecological or geomorphic factors or type of water body; and will apply unless replaced by a site-specific delineation of the riparian area.

(B) Plan components must ensure that no management practices causing detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits of sediment that seriously and adversely affect water conditions or fish habitat shall be permitted within the riparian management zones or the site-specific delineated riparian areas.

Guidance on how to maintain and restore riparian areas is found throughout sections 23.1 through 23.13c. Riparian areas are important elements of watersheds that provide critical transition zones linking terrestrial and aquatic ecosystems. Restoration of riparian areas may be accomplished through passive management or may require active management, particularly in areas where natural disturbance such as fire or flooding has been excluded.

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The terms riparian area and riparian management zone are defined in FSH 1909.12, zero code, section 05. The National Core BMP Technical Guide (USDA Forest Service 2012a) discusses a similar concept; aquatic management zones. The riparian ecosystems to be addressed in the planning process were identified in the assessment phase (FSH 1909.12, ch. 10, sec. 13) or brought forward during the public and governmental participation process. See sections 23.1–23.12c for direction on plan components related to maintaining or restoring the ecological integrity of these ecosystems.

The plan must establish widths for riparian management zones for all lakes, perennial and intermittent streams, and open water wetlands.

When establishing riparian management zones, the responsible official should consider:

1. Available information on the location and extent of surface waterbodies, springs, wetlands, vegetation, soils, geomorphology, topography, and other relevant information.
2. Vegetation indicators of riparian areas that include regionally distinctive riparian vegetation or the potential to support regionally distinctive vegetation.
3. Fluvial geomorphic indicators of riparian areas such as break in slope or evidence of fluvial deposition.
4. Riparian area determined by 100 year recurrence interval flood stage. The water surface elevation corresponding to the 100 year recurrence interval flood may be preferable to some standard distance from the stream channel (for example, 100 foot buffer) because a set distance may overestimate actual riparian width along small streams and underestimate the extent of riparian vegetation along larger rivers.
5. Riparian management zones for individual waterbodies should be established based upon existing site-specific riparian area delineations if available.
6. The effects of climate change on stream flows that may affect the size of riparian areas.

In areas where available information on the distribution of riparian conditions within the plan area is too limited to determine appropriate riparian management zone dimensions, the responsible official should consider establishing a default distance from the edge, such as the ordinary high water mark or bank full flow, of all lakes, perennial and intermittent streams, and open water wetlands for the riparian management zone, with particular attention given to the first 100 feet.

Additionally, when developing plan components for each of these ecosystems, the responsible official should consider the following:

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1. Designing plan components for restoring processes that support desirable riparian integrity including rooting access to groundwater.
2. Designing plan components with passive management or active management in mind. An example of passive management is restoration of elements of flow regimes, such as environmental flows and levels. Examples of active management include re-contouring, physical removal of structures or vegetation, and other mechanical means. Active management may be appropriate in areas if management has excluded natural disturbance such as fire or flooding or if past projects and activities have altered riparian functions, such as where roads are located within riparian areas.
3. Designing plan components that constrain projects and activities to comply with the requirements of the planning rule (36 CFR 219.8(a)(3)(ii)(B)) while taking into account that some projects may have short-term adverse effects to water conditions and fish habitat, but will maintain or restore structure, function, composition, and connectivity of riparian areas over the long term.

For guidance on delineation of riparian areas associated with streams and rivers, see the guidelines in the National Riparian Vegetation Monitoring Technical Guide (Forest Service, 2012b) or other agency supported guidance.

For guidance on delineation of site-specific riparian areas for non-fluvial or palustrine areas (associated with wetlands, lakes and other standing bodies of water), see the USACE Wetland delineation manuals for the region of interest available online at <http://el.erdc.usace.army.mil/wetlands/wlpubs.html>.

23.12 - Plan components for Air, Soil, and Water

Air, soil, and water are the basic elements of all terrestrial, riparian, and aquatic ecosystems. The conditions of these resources are essential contributors to ecological sustainability and ecosystem integrity. The plan components designed to maintain or restore these ecosystem elements provide the basis for maintaining or restoring the ecological sustainability of the plan area.

The development of plan components for maintaining air quality, soil productivity, and water quality and water resources within the plan area should consider:

1. The range of ecological conditions established within the limits of the natural landforms, vegetation, and disturbance processes that existed prior to extensive human alteration.
2. The variation in physical and biological conditions exhibited by ecosystems as a consequence of climatic fluctuations and disturbance regimes.
3. The concept that the environmental conditions that sustained ecosystem components in the past are likely to sustain them, at least over the short term, in the future.

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4. The potential influences of threats and stressors that are within and those beyond the control of the plan area that are likely to affect ecological conditions on the plan area during the life of the proposed plan (15 years).

23.12a - Air Quality

(2) Air, soil, and water. The plan must include plan components, including standards or guidelines, to maintain or restore:

(i) Air quality. (36 CFR 219.8(a))

The development of plan components for air quality should be based on the select set of ecological conditions and key ecosystem characteristics that were identified in the assessment phase (FSH 1909.12, ch. 10, sec. 13) or brought forward during the public and governmental participation process.

To address air quality issues when developing, amending, or revising a plan the responsible official should consider:

1. Visibility. As appropriate, consider developing plan components for visibility in Class I areas considering goals from relevant State, Federal, and, or, tribal implementation plans. As appropriate, consider developing plan components addressing emissions, such as fugitive dust, from management activities, for example from mining, prescribed fire, or oil and gas exploration and extraction.
2. Air Pollution Deposition and Exposure of Biophysical Resources. Where critical loads of air pollution to water, soils, flora, or fauna have been exceeded, the responsible official should develop plan components relevant to the plan area to help protect or restore key characteristics of relevant resources. The key characteristics may include aquatic chemistry, soil chemistry, soil productivity, and biogeochemical cycling. The plan components may include desired conditions and objectives for target loads for air pollution deposition and target levels of air pollution exposure.
3. Health and Safety. If objectives for prescribed fire are set forth in the plan, the responsible official should consider developing plan components for smoke management. If relevant and appropriate, the responsible official should consider State, Federal, or tribal smoke management plans when developing plan components for smoke management. Plan components may include basic smoke management practices applicable to NFS lands. Plan components may address:
 - a. Smoke dispersion conditions.
 - b. Effects on air quality.
 - c. Record keeping.

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- d. Communication.
- e. Emission reduction techniques.
- f. Coordination of burning within the airshed.

23.12b - Soils and Soil Productivity**(a) Ecological sustainability.**

(2) *Air, soil, and water.* The plan must include plan components, including standards or guidelines, to maintain or restore:

(ii) Soils and soil productivity, including guidance to reduce soil erosion and sedimentation. (36 CFR 219.8(a)(2)(ii))

The development of plan components for soils and soil productivity should be based on the select set of ecological conditions and key ecosystem characteristics that were identified in the assessment phase (FSH 1909.12, ch. 10, sec. 13) or brought forward during the public and governmental participation process.

1. In addition, the responsible official may consider the following information when developing plan components for soils and soil productivity:
 - a. Existing interpretations of soil surveys certified by the National Cooperative Soil Survey (NCSS).
 - b. Existing information on vegetation suitability and productivity, and NRV, in addition to the standard soil interpretations from a Terrestrial Ecological Unit Inventory from the assessment (FSH 1909.12, ch. 10, sec. 13.22).
 - c. Existing approximations of soil-landform units and attribute data derived from remotely sensed data or from expert opinion (FSH 1909.12, ch. 10, sec. 13.22).
 - d. Existing recommendations in Forest Service national best management practices guidance documents (USDA Forest Service 2012a). Additional information is found in FSM 2551.3.
2. The responsible official should design plan components for soils and soil productivity to sustain the productive capability of the land, its ecological resources, and watershed functions, considering the following:
 - a. Restoring degraded areas.
 - b. Maintaining the integrity of soils through managing vegetative communities and the type and amount of disturbance.

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- c. Maintaining biological properties of soils, such as, appropriate level of organic matter input to sustain biological cycling.
- d. Maintaining organic matter inputs and avoiding losses, to contribute to maintaining or increasing net soil carbon storage.
- e. Mitigating impacts for those soils that have been identified as vulnerable to stressors.
- f. Mitigating potential impacts of changing climate, such as potential impacts in some parts of the country for more frequent extreme storm events, and considering how potential impacts may affect appropriate uses of soils.
- g. Limiting potential impacts on soil physical properties, including compaction, rutting, puddling, displacement of the soil surface, and erosion.
- h. Limiting potential effects on soil chemical properties, such as potential for nutrient depletion or acidification or both.

23.12c - Water Quality and Water Resources

219.8 ...

a) Ecological sustainability.

...

(2) *Air, soil, and water.* The plan must include plan components, including standards or guidelines, to maintain or restore:

...

(iii) Water quality.

(iv) Water resources in the plan area, including lakes, streams, and wetlands; ground water; public water supplies; sole source aquifers; source water protection areas; and other sources of drinking water (including guidance to prevent or mitigate detrimental changes in quantity, quality, and availability).

...

(4) *Best management practices for water quality.* The Chief shall establish requirements for national best management practices for water quality in the Forest Service Directive System. Plan components must ensure implementation of these practices. (36 CFR 219.8)

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The development of plan components to maintain or restore water resources in the plan area, including lakes, streams, wetlands, and groundwater should be based on the select set of ecological conditions and key ecosystem characteristics that were identified in the assessment phase (FSH 1909.12, ch. 10, secs. 12.23 and 13.34) or brought forward during the public and governmental participation process. In addition, the responsible official should consider the surface and subsurface quality and the public water supplies associated with water quality from the plan area watersheds. The responsible official should develop desired conditions for water quality in the plan area and consider plan components to:

1. Maintain or restore the water quality, quantity, timing, and distribution necessary to sustain ecosystems into the future by:
 - a. Including guidance to prevent or mitigate detrimental changes in quantity, quality, and availability, including temperature changes and inputs of sediment and other pollutants.
 - b. Carrying out the national best management practices program (FSM 2532) (USDA Forest Service, 2012) (see sec. 20.4).
 - c. Quantifying the water needs necessary to maintain and restore terrestrial, riparian, and aquatic ecosystems and associated dependent species, including groundwater dependent ecosystems, and specify the appropriate environmental flows and water levels, when appropriate and practical. Environmental flows and water levels describe the quantity, quality, timing, and range of variability of water flows and levels required to sustain or restore freshwater and estuarine ecosystems and the functions and services they provide. Environmental flows include instream flows for environmental purposes, geomorphic and flood flows, groundwater levels, and lake and wetland levels, and floodplain flows established for environmental purposes.
2. Support the restoration of designated impaired waters within or adjacent to NFS lands with primary or secondary impairments that have the potential to be influenced through Forest Service land management activities in the plan area.
3. Maintain or restore the integrity of public water supplies, sole source aquifers, source water protection areas, and other sources of drinking water in the plan area.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**23.13 - Additional Species-Specific Plan Components for At-Risk Species**

The set of at-risk species for developing plan components are the federally recognized threatened, endangered, proposed, and candidate species; and species of conservation concern. Under 36 CFR 219.9(b)(1) the responsible official shall develop plan components to provide the ecological conditions within the plan area necessary to:

...contribute to recovery of federally listed threatened and endangered species; conserve species that are proposed or candidate for federal listing; maintain a viable population of each species of conservation concern in the plan area. 36 CFR 219.9(b)(1).

The plan components developed for ecosystem integrity and ecosystem diversity (sec. 23.11) are expected to provide the ecosystem (coarse-filter) approach to maintaining the persistence of native species within the plan area, including the at-risk species identified during the assessment. The responsible official shall evaluate the emerging ecosystem level plan components, along with those pertaining to other multiple uses, to determine whether or not they will provide the ecological conditions for at risk species necessary to meet the requirements under 36 CFR 219.9(b)(1). The term “ecological conditions” is defined in FSH 1909.12, zero code, section 05. Ecological conditions include habitat and the effects of human uses (for example, recreation, grazing, and mining).

When the evaluation reveals that plan components for ecosystem integrity and ecosystem diversity or other plan components would not provide the ecological conditions necessary for one or more at-risk species, the responsible official shall develop additional species-specific plan components for those individual species (fine filter). Examples of such plan components include a standard for protection of red-cockaded woodpecker nest cavity trees during prescribed burning activities, an objective related to food storage in occupied grizzly bear habitat, or a standard for size and placement of culverts on cutthroat trout streams.

The responsible official shall take into account the conclusions of the vulnerability status process for each at-risk species (as outlined in FSH 1909.12, ch.10, sec. 12.5). The evaluation process for the emerging set of plan components for each at-risk species is designed to determine the degree to which all emerging plan components meet the requirements of the planning rule for at-risk species. Ecological conditions that provide for ecosystem integrity and ecosystem diversity (sec. 23.11) are the primary context for the evaluation of at-risk species.

Plan components for ecological conditions that provide for ecosystem integrity and ecosystem diversity (sec. 23.11) are the primary context for the evaluation of at-risk species. However, plan components developed for multiple uses or social sustainability (for example, timber, grazing, recreation, wilderness, and so on) may contribute to, or detract from, ecological conditions needed for at-risk species. For example, on some forests or grasslands, a portion of the plan area may have a desired condition for undeveloped remote recreation. Such a desired condition should be taken into account when evaluating the ecological conditions for at-risk species,

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because it would likely minimize or eliminate some stressors and would contribute to maintaining ecological conditions for some at-risk species.

When evaluating or developing plan components under 36 CFR 219.9(b)(1), the responsible official should consider the following:

1. The relevant information derived from the status of at-risk species identified in the assessment (sec. 12.55) or brought forward during the public and governmental participation process, such as:
 - a. Amount, quality, and distribution of habitat.
 - b. The dynamics of habitat over time (vegetation simulation modeling, climate change).
 - c. Known species locations and overall species distribution.
 - d. Information on species population trends and dynamics, if available.
 - e. Biological interactions (for example, invasion of cheatgrass into sagebrush habitats).
 - f. Other threats or limiting factors, such as wildland fire and other natural disturbances, roads, trails, dams, water withdrawal or storage, off-road use, hunting, and other human disturbances.
2. For most species, the only practical quantitative evaluation of their required ecological conditions is an assessment of habitat conditions.
3. When gaining an understanding of the key habitat relationships of the species, consider the following:
 - a. Evaluating the connection between habitat conditions and population consequences.
 - b. Using general ecological principles when there is a lack of knowledge of relationships between species and populations and habitats.
 - c. Using existing spatially explicit habitat models, demographic models, and so on, when available,
 - d. Using qualitative methods such as expert opinion or simple habitat assessments in the absence of adequate information or models,

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- e. Framing the evaluation in the context of risk and uncertainty, no matter what evaluation method is used,
4. Conducting the evaluations of the emerging plan components at the scale which biological populations of the species operate. Analysis at the scale of distinct population segments or evolutionary significant units may be appropriate.
5. Considering not only conditions that would be provided in the plan area, but also effects, influences, and contributions from other land ownerships and actions outside of the plan area.
6. Evaluating the potential plan components and their likely contribution to meeting requirements for at-risk species is an iterative process as the plan is being developed, amended, or revised. The process includes:
 - a. Developing the potential ecosystem integrity and ecosystem diversity plan components that address ecological, social, and economic sustainability.
 - b. Evaluating those potential plan components with species information to evaluate how well they would sustain the ecological conditions that support at-risk species.
 - c. Refining the potential plan components that do not adequately address species risk factors or do not sustain the ecological conditions that support at-risk species by:
 - (1). Making adjustments to the potential plan components for ecosystem integrity and/ecosystem diversity necessary to sustain the ecological conditions that support at-risk species; or
 - (2). Adding additional species-specific plan components necessary to sustain the ecological conditions that support at-risk species.
7. Repeating the steps of enumerated paragraphs 6b and 6c if other social, economic, or ecological considerations are added that alter plan components in a way that would affect an at-risk species.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**23.13a - Threatened and Endangered Species**

(b) *Additional, species-specific plan components.* (1) The responsible official shall determine whether or not the plan components required by paragraph (a) of this section provide the ecological conditions necessary to: contribute to the recovery of federally listed threatened and endangered species...within the plan area. If the responsible official determines that the plan components required in paragraph (a) are insufficient to provide such ecological conditions, then additional, species-specific plan components, including standards or guidelines, must be included in the plan to provide such ecological conditions in the plan area. (36 CFR 219.9(b)(1))

The development of plan components for threatened and endangered (T&E) species should be based on the ecological conditions necessary to contribute to their recovery and maintaining or restoring critical habitats that were identified in the assessment phase (FSH 1909.12, ch. 10, sec. 13) or brought forward during the public and governmental participation process.

In developing plan components (ecosystem and species-specific) for threatened and endangered species, the responsible official should:

1. Be proactive in the conservation of federally listed threatened and endangered species to promote recovery and delisting.
2. Consider conservation measures and actions identified in recovery plans relevant to threatened and endangered species in the plan area.
3. Consider limiting factors and key threats to species identified in the assessment (sec. 12.55) for threatened and endangered species in the plan area.
4. Collaborate with the FWS and NOAA-Fisheries, as appropriate, in the evaluation of existing conditions for T&E species and in the development of plan components that contribute to their recovery.
5. Work beyond the plan area boundary to collaborate and cooperate with FWS, NMFS, States, Tribes, and other partners, landowners, and land managers in developing actions that contribute to an all-lands approach to species conservation and recovery.
6. Where appropriate, support the reintroduction of listed species into historical habitat on NFS lands, consistent with recovery plan objectives.
7. Collaborate with NOAA-Fisheries, as appropriate, in the evaluation of any effects to aquatic T & E species downstream of the plan area that could be affected by actions within the plan area.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**23.13b - Proposed and Candidate Species**

(b) Additional, species-specific plan components. (1) The responsible official shall determine whether or not the plan components required by paragraph (a) of this section provide the ecological conditions necessary to: ... conserve proposed and candidate species...within the plan area. If the responsible official determines that the plan components required in paragraph (a) are insufficient to provide such ecological conditions, then additional, species-specific plan components, including standards or guidelines, must be included in the plan to provide such ecological conditions in the plan area.

(36 CFR 219.9(b)(1))

Development of plan components for proposed and candidate species should be based on the ecological conditions necessary to conserve proposed and candidate species that were identified in the assessment phase or brought forward during the public and governmental participation process and maintain or restore their habitats in the plan area to contribute to preventing them from being federally listed (FSH 1909.12, ch. 10, sec. 13).

In developing plan components (ecosystem and species-specific) for proposed and candidate species, the responsible official should:

1. Be proactive in the conservation of proposed and candidate species.
2. Consider conservation measures identified in existing conservation strategies and agreements relevant to proposed and candidate species in the plan area.
3. Consider the limiting factors and key threats to species identified in proposed rules from FWS or NOAA Fisheries for listing or candidate species assessments.
4. Collaborate with FWS and NMFS in the evaluation of existing conditions for proposed and candidate species and in the development of plan components designed to conserve these species.
5. Work beyond the plan area boundary to collaborate and cooperate with FWS, NOAA-Fisheries, States, Tribes, and other partners, landowners, and land managers in to support an all-lands approach to species conservation.

23.13c - Species of Conservation Concern (SCC)

(b) Additional, species-specific plan components. (1) The responsible official shall determine whether or not the plan components required by paragraph (a) of this section provide the ecological conditions necessary to:...maintain a viable population of each species of

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conservation concern within the plan area. If the responsible official determines that the plan components required in paragraph (a) are insufficient to provide such ecological conditions, then additional, species-specific plan components, including standards or guidelines, must be included in the plan to provide such ecological conditions in the plan area. (36 CFR 219.9(b)(1))

(2) If the responsible official determines that it is beyond the authority of the Forest Service or not within the inherent capability of the plan area to maintain or restore the ecological conditions to maintain a viable population of a species of conservation concern in the plan area, then the responsible official shall:

(i) Document the basis for that determination (§ 219.14(a)); and

(ii) Include plan components, including standards or guidelines, to maintain or restore ecological conditions within the plan area to contribute to maintaining a viable population of the species within its range. In providing such plan components, the responsible official shall coordinate to the extent practicable with other Federal, State, Tribal, and private land managers having management authority over lands relevant to that population.

(36 CFR 219.9(b)(2))

(c) Species of conservation concern. For purposes of this subpart, a species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area.

(36 CFR 219.9(b)(3))

Viable population. A population of a species that continues to persist over the long term with sufficient distribution to be resilient and adaptable to stressors and likely future environments.

(36 CFR 219.19)

The species of conservation concern (SCC) for the plan area to be used in the development of plan components is identified by the regional forester based on the BASI considering the potential SCCs identified during the assessment phase (FSH 1909.12, ch. 10, sec. 12.52) and those brought forward during the public and governmental participation process that meet the criteria for identifying SCC.

The intent of these requirements is to require a robust and scientifically supported approach to providing for ecological conditions necessary to support SCCs within the plan area, while also

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acknowledging that there may be some circumstances outside of Agency control, allowing responsible officials to adjust, adapt, and work more collaboratively with other land managers to protect SCCs in the context of the broader landscape.

The development of plan components for SCC should be based on the ecological conditions necessary to maintain a viable population of each SCC in the plan area. These ecological conditions were identified in the assessment phase (FSH 1909.12, ch. 10, sec. 13) or brought forward during the public and governmental participation process.

In evaluating plan components (ecosystem and species-specific) for SCC, the responsible official shall determine whether the plan components would provide the ecological conditions (amount and distribution) necessary to maintain or restore a viable population of a SCC in the planning area (36 CFR 219.9(b)(1)). There are five aspects of the evaluation process that are clarified in the following enumerated paragraphs: (1) viable population, (2) three possible outcomes of evaluating plan components, (3) examples of circumstances not within the authority of the Forest Service, (4) examples of circumstances not within the inherent capability of the plan area, and (5) duties of the responsible official when maintenance of a viable population of SCC within the plan area is beyond the authority of the Forest Service or not within the inherent capability of the plan area.

1. Viable population. Consider the following principles with respect to terms used in the 2012 rule to define "viable population:"

- a. For the purposes of the planning process, "the individuals of a species of conservation concern that exist in the plan area will be considered to be members of one population of that species" (77 FR 21217, April 9, 2012). In some situations, individuals or groups of individuals in the plan area may be known to be or highly suspected to be reproductively isolated and separate from the rest of the individuals. These individuals or groups may need to be considered as separate entities.
- b. "Persist over the long-term" means the species continues to exist in the plan area over a sufficiently long period that encompasses multiple generations of the species, the time interval between major disturbance events, the time interval to develop all successional stages of major habitat types, or the time interval needed for the overall ecosystem to respond to management. Understand that confidence in the risk evaluations decreases rapidly as the timeframe of projections increases and that plan components may need to be periodically updated as plans are amended and revised.
- c. Whether there is "sufficient distribution" of a species should be considered in the context of the species' natural history and historical distribution and on the potential distribution of the habitat within the plan area. Recognize that habitat and population distribution are dynamic over time. Sufficient distribution also implies a distribution that permits individuals to interact within the plan area within the constraints of the species' natural history. It should not be expected that management of NFS lands

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- would provide broadly or evenly distributed habitat throughout a plan area for all species. Furthermore, except in rare instances, it is not expected that habitat to support all known individuals or the maximum number of individuals of a species must be available in the plan area through time.
- d. "Resilient" suggests that individuals would be distributed with sufficient redundancy such that when disturbance events or stressors result in the local disappearance of individuals or extirpation from an area, that re-colonization of suitable habitat may occur in the future to facilitate long term persistence in the plan area.
- e. The concept of "adaptable" implies that ecological conditions to support the species are distributed such that the species may be represented in a variety of locally adapted ecotypes for increased likelihood for survival and adaptation to unknown future environments.
- f. Species distribution should also be provided for by the requirement that plan components must maintain or restore the diversity of ecosystems and habitat types throughout the plan area (36 CFR 219.9(a)(2), and by the requirement to maintain or restore connectivity.
2. The three possible outcomes of evaluating plan components. There are a variety of methods for conducting this evaluation, such as expert opinion, expert panels, Bayesian-belief models, habitat suitability models, and so on. The evaluation of the existing ecosystem and species-specific plan components may result in three outcomes:
- a. The existing plan components, when carried out, would provide the necessary ecological conditions to maintain a viable population of the SCC in the plan area.
 - b. Adjustments to existing ecosystem plan components or additional species-specific plan components or both, when carried out, would provide the necessary ecological conditions to maintain a viable population of the SCC in the plan area.
 - c. Due to circumstances that are not within the authority of the Forest Service or consistent within the inherent capability of the land, the plan area is unable to maintain a viable population of a particular SCC within the plan area. The responsible official shall document the basis for this determination in the planning record.
3. Examples of circumstances not within the authority of the Forest Service. Species-specific examples of circumstances that are not within the authority of the Forest Service and may affect a national forest or grassland's ability to provide ecological conditions that could maintain a viable population of a particular native species within a plan area includes:

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- a. Forest clearing in South America—These forests provide important wintering areas for many neotropical birds that nest in North America. The clearing of these forests for agricultural purposes poses a serious threat to the long-term viability of the Cerulean warbler and the ability of national forests in the southern Appalachian Mountains to maintain viable populations of this species.
 - b. Hydropower and flood control facilities in the Pacific Northwest and recreational and commercial fish harvest practices—These facilities and practices are primary downstream threats to anadromous fish populations whose spawning beds may occur on stream reaches within national forests in the intermountain west, thus affecting the ability of NFS units within these species' ranges to maintain viable populations on NFS lands.
 - c. Land use patterns on private lands within and adjacent to NFS units, such as the continuing agricultural uses and urbanization that is occurring east of the Rocky Mountains—Habitat fragmentation as a result of these changes reduces available habitat and further isolates existing swift fox populations, thereby affecting the ability of national grasslands in eastern Colorado to maintain viable populations of this species.
 - d. Domestic sheep grazing on private lands within or adjacent to NFS units—Domestic sheep can transmit diseases to bighorn sheep that can cause die-offs affecting herds on national forests in the west and the ability of those NFS units to maintain viable bighorn populations.
4. Examples of circumstances not within the inherent capability of the plan area. The inherent capability of the land is defined in FSH 1909.12, zero code, section 05. Examples of circumstances that are not within the inherent capability of the plan area to maintain or restore a viable population of a species within the plan area include:
- a. A species that is inherently rare because its individuals naturally occur at low numbers and are wide ranging individuals, such as the wolverine. For example, the wolverine occurs at relatively low densities in the northern Rocky Mountains; and the number of breeding individuals that may occur on an individual national forest are presumably too small to be considered a viable population.
 - b. A plan area that lacks sufficient land area with the ecological capacity to produce enough habitat to maintain a viable population. An example is the Kisatchie National Forest's inability to maintain a viable population of swallow-tailed kite on the Forest due to very limited amounts of land area ecologically capable of producing broad bottomland hardwood and cypress swamp habitats.
 - c. Current and projected changes in climate that may affect a national forest or grassland's ability to maintain or even contribute to viable populations of some

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- species. An example is the warming trends of temperatures at higher elevations in the West which are altering the capability of national forests in California and other areas of the West to maintain viable populations of American pika on some NFS units.
- d. Where water quality conditions in Appalachian Mountain streams that provide habitat for eastern brook trout have been altered through acid deposition, due to past and current acid rain, rendering many of them unsuitable for brook trout and compromising the ability of some Appalachian national forests to maintain viable populations of this species.
5. Duties of the responsible official. If the responsible official determines that it is beyond the authority of the Forest Service or not within the inherent capability of the plan area to maintain or restore the ecological conditions to maintain a viable population of a SCC in the plan area, then the responsible official shall do the following for that SCC:
- a. Document the basis for the determination.
 - b. Include plan components, including standards or guidelines, to maintain or restore ecological conditions within the plan area to contribute to maintaining a viable population of the species within its range. For additional guidance see 36 CFR 219.9(b)(2) and the principles about viable populations at paragraph 1 of this section.
 - c. Coordinate, to the extent practicable, with Federal, State, tribal, and private land managers relevant to the species population. In doing so, consider:
 - (1) The range of the species beyond the plan area, and the ecological role of the plan area to contribute to a viable population across the broader landscape.
 - (2) Working towards an all-lands approach to species conservation with other land managers across the range of the species.

23.2 - Social and Economic Sustainability and Multiple Use

Plans are required to have plan components for social and economic sustainability and multiple use integrated with the plan components for ecological sustainability and species diversity described in section 23.1. The outcomes of ecological sustainability create a foundation to support contributions for social and economic sustainability.

The 2012 Planning Rule sections on social and economic sustainability (36 CFR 219.8(b) and multiple use (36 CFR 219.10) cover some of the same elements (or topics). This section presents these elements once; combining into a single section the applicable rule text and considerations pertinent to the identified element.

23.21 - Social, Cultural, and Economic Conditions

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Plans must include plan components that guide the plan area's contribution to social and economic sustainability to provide people and communities with a range of social and economic benefits for present and future generations. Economic and social sustainability require that the needs of the present generation are met without compromising the ability of future generations to meet their needs. The ability to contribute to social and economic sustainability is built on the foundation provided by ecological sustainability. The general requirements for social and economic sustainability are set out at 36 CFR 219.8 as follows:

§ 219.8 Sustainability.

The plan must provide for social, economic, and ecological sustainability within Forest Service authority and consistent with the inherent capability of the plan area, as follows:

(b) Social and economic sustainability. The plan must include plan components, including standards or guidelines, to guide the plan area's contribution to social and economic sustainability, taking into account:

- (1) Social, cultural, and economic conditions relevant to the area influenced by the plan;**
- (2) Sustainable recreation; including recreation settings, opportunities, and access; and scenic character;**
- (3) Multiple uses that contribute to local, regional, and national economies in a sustainable manner;**
- (4) Ecosystem services;**
- (5) Cultural and historic resources and uses; and**
- (6) Opportunities to connect people with nature. (36 CFR 219.8)**

This section on plan components for social and economic sustainability (sec. 23.21) expands on (b)(1) of the list above. The other elements (2-6) are addressed in the following respective sections: 23.22b (sustainable recreation), 23.22 (multiple use), 23.22a (ecosystem services), 23.22h (cultural and historic resources), and 23.22b (opportunities to connect people with nature).

In addition to the guidance in this and the following sections, when developing plan components, the responsible official shall consider the following:

- (7) Reasonably foreseeable risks to ecological, social, and economic sustainability.**
- (8) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of the terrestrial and aquatic ecosystems on the plan areas to adapt to**

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change (§ 219.8).
(36 CFR 219.10 (a))

In the definition of sustainability, the 2012 Planning Rule defines social and economic sustainability as follows:

. . . “social sustainability” refers to the capability of society to support the network of relationships, traditions, culture, and activities that connect people to the land and to one another and support vibrant communities.

. . . “economic sustainability” refers to the capability of society to produce and consume or otherwise benefit from goods and services including contributions to jobs and market and nonmarket benefits. . .
(36 CFR 219.19)

Specific considerations related to social sustainability could include, for example, opportunities for the plan area to contribute to hunting and fishing opportunities, health, safety, education, social wellbeing, and quality of life of people and communities affected by the plan area. Cultural conditions such as traditions, history, art, and traditional uses can also be considered part of social sustainability, as can opportunities for service or civic engagement, and other activities that connect people to the land and to one another.

Specific considerations related to economic sustainability could include, for example, opportunities for the plan area to contribute to individual employment, small businesses, income, federal receipts shared with local governments, and the provision of economically significant benefits, products and services, including those with both market and non-market value. These social and economic considerations, along with ecological considerations, are often interrelated and mutually supportive.

The assessment (sec. 13.1) provides available information about the social, cultural, and economic conditions associated with the plan area, including those that influence or are influenced by the plan area. The assessment includes identifying the context of these conditions in the plan area and the area(s) of influence, the external social, cultural, and economic influences on the plan area, and the plan area’s relationship to key social, cultural, and economic conditions that are influenced by the plan components.

In examining the trends related to social and economic sustainability, the assessment provides available information about reasonably foreseeable risks to social and economic sustainability, including the role of stressors as well as outside social, cultural, and economic influences on or related to the plan area.

Building on the information developed in the assessment, or identified through the planning process, the responsible official should consider the following in developing the plan components:

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1. How key social, cultural, and economic conditions in the area(s) of influence and beyond the area(s) of influence are likely to be influenced by the plan components. This can include how plan components are likely to support community cohesiveness, support cultural traditions, and influence income and employment opportunities.
2. How external social, economic, or cultural influences are likely to affect the plan area.

In developing plan components, consider the contributions to social and economic sustainability that may come from multiple uses and ecosystem services described in sections 23.22a-23.22q. The desired conditions should include a description of the desired contributions for the plan area to contribute to social and economic sustainability, taking into account conditions relevant to the area influenced by the plan. Reasonably foreseeable risks to social and economic sustainability should be recognized so that the responsible official considers plan components that may reduce or mitigate these risks.

23.22 - Multiple Use

This section and sections 23.22a through 23.22q give additional guidance related to the multiple use section of the 2012 Planning Rule (36 CFR 219.10), and to 36 CFR 219.8(b) where these two sections of the rule overlap.

Sections 23.22a through 23.22q give guidance for the requirements identified in 36 CFR 219.10. Each of these sections generally present applicable rule text, summarize relevant assessment information, identify considerations or analysis, and suggest primary approaches to address the requirement of the element in plan components.

The general requirements for multiple use and ecosystem services from 36 CFR 219.10 are as follows:

§ 219.10 Multiple use.

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

(a) *Integrated resource management for multiple use.* The plan must include plan components, including standards or guidelines, for integrated resource management to provide for ecosystem services and multiple uses in the plan area. 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, 219.8, 219.9, and 219.11, the responsible official shall consider [*Specific elements are detailed at 36 CFR 219.10(a)(1)-(10)*]

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(b) *Requirements for plan components for a new plan or plan revision.***(1) The plan must include plan components, including standards or guidelines, to provide for** [*Specific elements are detailed at 36 CFR 219.10(b)(1)(i)-(vi)*]**(2) Other plan components for integrated resource management to provide for multiple use as necessary. (36 CFR 219.10)**

The 2012 Planning Rule requires that plan components must provide for multiple uses and ecosystem services within Agency authority and inherent capability of the plan area as described in the introductory paragraph. Paragraphs (a) and (b) of rule section 36 CFR 219.10 use different wording to describe their requirements. The introduction to 36 CFR 219.10(a) requires plan components for multiple uses and ecosystem services. 36 CFR 219.10 (a)(1-10) identify specific elements that the responsible official shall consider in developing the plan components. 36 CFR 219.10(b)(1) requires plan components for each identified element if applicable to the plan area. Individual plan components, including standards and guidelines, may meet more than one of these requirements. The intent is to develop an integrated set of plan components, including standards or guidelines, for integrated resource management.

23.22a - Ecosystem Services

The requirements for plan components for ecosystem services are found both in the section on social and economic sustainability and the section on multiple use:

§ 219.8 Sustainability.

(b) The plan must include plan components, including the plan area's contribution to social and economic sustainability, taking into account:

(4) Ecosystem services**(36 CFR 219.8(b))**

§ 219.10 Multiple use.

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

(a) *Integrated resource management for multiple use.* The plan must include plan components, including standards or guidelines, for integrated resource management to provide for ecosystem services and multiple uses in the plan area.

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(36 CFR 219.10(a))

Ecosystem services are defined in the 2012 rule as:

Ecosystem services. Benefits people obtain from ecosystems, including:

- (1) *Provisioning services*, such as clean air and fresh water, 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, aesthetic, spiritual and cultural heritage values, recreational experiences and tourism opportunities.**

(36 CFR 219.19)

The assessment identifies the key ecosystem services provided by the plan area that may be influenced by the land management plan (FSH 1909.12, ch. 10, sec. 13.2). For each key ecosystem service the assessment provides available information on the spatial and temporal extent of the plan area's contribution, condition, trends, and drivers affecting the key ecosystem services, the stability and resiliency of the ecosystems, and the influences beyond the authority of the Forest Service that affect the ability of the plan area to deliver these services. This information provides a framework to evaluate how potential plan components are likely to affect or provide for key ecosystem services.

The responsible official shall develop plan components to provide for key ecosystem services. The key ecosystem services may include services that are described elsewhere in this chapter. These include provisioning services such as air (sec. 23.12a), water (sec. 23.12c), energy (sec. 23.22n), fiber (sec. 23.22f and FSH 1909.12, ch. 60) and minerals (sec. 23.22m); regulating services such as soil stabilization (sec. 23.12b); and cultural services such as cultural heritage values (sec. 23.22h), and recreational experiences (sec. 23.22b). A plan may identify other key ecosystem services that are not covered in this chapter: for example, provisioning services such as food, and regulating services such as drought control. In such a case the plan should also have plan components that provide for those services. In addition, when developing plan components to provide for key ecosystem services, the responsible official should consider how those services support social and economic sustainability.

The plan should describe the desired conditions for the key ecosystem services. Desired conditions may describe different mixes of ecosystem services from different management or geographic areas. In developing objectives, the responsible official should consider the linkage between the key ecosystem services and how plan objectives contribute to the intended achievement of the level, quality, or delivery to the public of the key ecosystem services. There

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should be a linkage between each of the key ecosystem services and the plan components related to that key ecosystem service.

23.22b - Sustainable Recreation Resources and Opportunities to Connect People with Nature

The requirements for plan components for recreation in the rule are found both in the section on social and economic sustainability and in the section on multiple use:

§ 219.8. Sustainability.

(b) Social and economic sustainability. The plan must include plan components, including the plan area's contribution to social and economic sustainability, taking into account:

(2) Sustainable recreation including recreation settings, opportunities, and access; and scenic character;

(6) Opportunities to connect people with nature

§ 219.10 Multiple use.

... The plan must provide for ecosystem services and multiple uses, including ... outdoor recreation ... as follows:

(a) Integrated resource management for multiple use. The plan must include plan components, including standards or guidelines for integrated resource management to provide for ecosystem services and multiple uses in the plan area. When developing plan components ... the responsible official shall consider:

(1) ... recreation settings and opportunities, ..., trails, ...

(3) Appropriate placement and sustainable management of infrastructure, such as recreational facilities ...

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

(1) The plan must include plan components, including standards or guidelines, to provide for:

(i) Sustainable recreation; including recreation settings, opportunities, and access; and scenic character. Recreation opportunities may include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air.

(36 CFR 219.10)

The 2012 Planning Rule also provides definitions for several of these recreation terms:

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Recreation opportunity. An opportunity to participate in a specific recreation activity in a particular recreation setting to enjoy desired recreation experiences and other benefits that accrue. Recreation opportunities include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air.

Recreation setting. The social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban.

Sustainable Recreation. The set of recreation settings and opportunities on the National Forest System that is ecologically, economically, and socially sustainable for present and future generations. 36 CFR 219.19

Plan components must provide for sustainable recreational settings, opportunities, and access. Sustainable recreation opportunities and settings are those that are economically, socially, and ecologically sustainable for the future. To be sustainable, the set of recreational settings and opportunities must be within the fiscal capability of the planning unit, be designed to address potential user conflicts among recreationists, and be compatible with other plan components including those components that provide for ecological sustainability.

Guidance on scenic character is described in section 23.22g.

The assessment identifies and evaluates available information about recreation (FSH 1909.12, ch. 10, sec. 13.4) related to:

1. Recreational settings, opportunities, and access in the plan area;
2. Demands of the public for recreation in the plan area;
3. The extent to which the plan area meets or does not meet the demand for recreation;
4. The ability of the plan area to sustain recreation settings, opportunities, and access in the future; and
5. The ability of recreation in the plan area to contribute to ecological, social, and economic sustainability.

The information identified in the assessment provides a starting point to determine the kinds of settings and opportunities to be provided in the plan components. Information on recreational demand, user preferences and user conflict; the sustainability of existing opportunities; the influence of other recreational suppliers; and the recreation goals of other governmental entities

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can help the responsible official determine if change in recreational settings and opportunities is needed.

The ability for sustainable recreation opportunities to contribute to social and economic sustainability and the distinctive role of the plan area as a provider of recreation should inform and create an overall context for adjusting existing recreational settings and opportunities in a new, revised, or amended plan.

Recreational settings and sustainable recreation opportunities may form the basis for applying certain plan components to management areas or geographic areas. Recreational settings are usually described by the recreational opportunity spectrum (ROS) (FSM 2310). The assessment of the plan area's infrastructure of recreational facilities, roads, sites, and access should be considered in designing the plan components for sustainable recreation and determining where they apply (FSH 1909.12, ch. 10, sec. 13.6). Plans can identify a specific set of locations or areas, such as dispersed recreational sites, for some specific plan components without creating management areas or geographic areas.

Plans should include desired conditions that describe the natural, built, social, and managerial environment for sustainable recreation. The desired conditions for the plan area should describe the types of recreational settings, including the mix of desired ROS classes, specific kinds of recreation opportunities and desired infrastructure. Unique desired conditions that identify the types of recreation opportunities or settings may be applied to designated, management, or geographic areas.

Plans may have objectives that describe intended achievement to modify the conditions of lands from their inventoried ROS classes toward desired ROS classes. Objectives may also be designed to alter the condition of recreation areas, dispersed sites, infrastructure including trails, or services to achieve sustainable desired conditions for recreation in the plan area. Objectives should be based on the expected fiscal capability of the planning unit for the plan period.

Plans may identify suitable uses in a recreational context, usually associated with a desired ROS class or management area. Suitability is often described in terms of what types of mechanized, motorized, and non-motorized opportunities are suitable or not suitable within each management area, usually based on the desired ROS setting. Lands may be identified as suitable or not suitable for types of recreational facilities, infrastructure, or special uses. Suitability plan components alone cannot prohibit public recreational use without additional process (see sec. 22.5).

Plans may have standards or guidelines to ensure consistency of projects or activities with desired ROS classes or other desired conditions for recreation.

Other plan content may include the distinctive role and contribution of the plan area to recreational opportunities and the provision of social and economic sustainability in the broader

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landscape. Plans may describe management approaches to the development of collaborative capacity through volunteers or partnerships to accomplish recreation objectives for the plan area.

In providing plan components for social and economic sustainability, the responsible official shall take into account opportunities to connect people with nature. Recreational opportunities are one important way to accomplish connecting people with nature. For example, the plan could include desired conditions and objectives to better connect youth or underserved populations to recreation opportunities, to provide quality information to a diverse public that enables visitors to understand where to go for the recreation experience they are seeking, to address visitor safety through education and management actions, to enhance visitors' understanding of their natural and cultural environments, and to provide opportunities for members of the public to develop a sense of stewardship and appreciation of the plan area. Environmental study areas or visitor centers may be identified specifically to provide educational opportunities for local schools or the public.

23.22c - Fish and Wildlife and Plants

The requirements for plan components for fish and wildlife related to multiple use are found in 36 CFR 219.10 as follows:

...The plan must provide for ecosystem services and multiple uses, including ... wildlife, and fish ... as follows:

(a) *Integrated resource management for multiple use.* The plan must include plan components, including standards or guidelines for integrated resource management to provide for ecosystem services and multiple uses in the plan area. When developing plan components ... the responsible official shall consider:

- (1) ... fish and wildlife species ... habitat and habitat connectivity;**
- (5) Habitat conditions, subject to the requirements of §219.9 for wildlife, fish and plants commonly enjoyed and used by the public; for hunting, fishing, trapping, gathering, observing, subsistence and other activities (in collaboration with federally recognized Tribes, Alaska Native Corporations, other Federal agencies and State and local governments)**

The responsible official should identify the contribution of fish and wildlife species to economic and social sustainability. Consider those contributions when developing plan components to provide for multiple use and contribute to social and economic sustainability, in addition to the plan components for fish and wildlife related to ecological sustainability (Section 23.1). The assessment identifies the species of fish, wildlife, and plants that are commonly used or enjoyed by the public, the conditions and trends associated with these species, and the contribution of the use and enjoyment of these species to social and economic sustainability (FSH 1909.12, ch. 10, sec. 13.54).

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The responsible official should work with the relevant governmental entities and the public to design plan components for habitat conditions and sustainable recreation opportunities that provide for the use and enjoyment of fish, wildlife, and plants. As part of this process the responsible official shall work collaboratively with federally recognized Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments. Plan components for ecological sustainability, habitat connectivity, species diversity, and recreation (see sec 23.1 and 23.13 on species at risk) are expected to contribute to the use and enjoyment of fish, wildlife, and plants.

Plans may consider public use and enjoyment of fish, wildlife, and plant species with desired conditions that describe the ecological conditions for the species desired by the public and how the public can enjoy these species. Desired conditions may highlight different species or different ways to enjoy the species for specific land areas of the plan area. Other plan components would be designed to support achieving this desired condition.

23.22d - Watershed

The multiple use requirements for plan components for watersheds and water resources are found at 36 CFR 219.10 as follows:

The plan must provide for ecosystem services and multiple uses, including ... watershed ... as follows:

(a) *Integrated resource management for multiple use.* The plan must include plan components, including standards or guidelines for integrated resource management to provide for ecosystem services and multiple uses in the plan area... When developing plan components ... the responsible official shall consider:

(1) ... surface and subsurface water quality...

(9) Public water supplies and associated water quality.

In addition to the elements above, water and watershed management may also play a role in providing for other multiple uses, for example, water-based recreation or energy. The assessment describes available information about the contributions of watersheds and water resources to the public, the conditions and trends related to water use, and the contribution of water use to social and economic sustainability (FSH 1909.12, ch.10, secs.12.23 and 13.34). The responsible official should identify the contribution of water and watersheds within the plan area to economic and social sustainability. Consider those contributions when developing plan components to provide for multiple use and to contribute to social and economic sustainability.

Guidance on the consideration of watershed, surface, and subsurface water quality and public water supplies and associated water quality is contained in 36 CFR 219.8 and section 23.12c, associated with ecological sustainability. Plan components developed to support ecological sustainability will likely also support the contributions of water and watersheds within the plan

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area to social and economic sustainability. The responsible official should review such plan components, and develop additional plan components as necessary to support the multiple use values of water and watersheds, to provide for or support other multiple uses, and to support the contribution of water and watersheds to social and economic sustainability. Consider water quality and public drinking supplies when doing the review.

23.22e - Rangelands, Forage, and Grazing

The 2012 Planning Rule at 36 CFR 219.10 requires the following:

The plan must provide for ecosystem services and multiple uses, including ... range ... as follows:

(a) *Integrated resource management for multiple use.* The plan must include plan components, including standards or guidelines for integrated resource management to provide for ecosystem services and multiple uses in the plan area... When developing plan components ... the responsible official shall consider:

(1) forage, ... grazing and rangelands, ...
(36 CFR 219.10)

The assessment has information about conditions and trends of rangelands, transitory range, and other grazing lands, sustainability of the ecological conditions that support grazing, and the contribution of grazing to sustainability (FSH 1909.12, ch. 10, sec. 13.32). In designing the plan components, the responsible official should use this evaluation of the conditions and trends, stressors, and the ability of the plan area to provide forage in the future. The evaluation should include consideration of the ability of the plan area to sustain both native ungulates and domestic livestock that depend on the forage produced in the plan area.

Where range allotments exist within the plan area, the responsible official should consider range management (FSM 2200) of these allotments in the development of plan components that apply to the allotments. Where wild horse-burro territory boundaries are present in the plan area, the responsible official should consider these territories and management for wild horses and burros in the development of plan components that apply to these territories.

The responsible official should also recognize potential adverse interactions between domestic livestock and native species and provide appropriate plan components to avoid or mitigate these risks.

Plans may include desired conditions for rangelands, transitory range and other grazing lands and the type and level of grazing anticipated in the plan area. Plans may have objectives that identify expected progress for indicators of rangeland health or other intended achievements such as acres or number of range improvements. Suitability may indicate management areas or other areas where livestock grazing or wild horse and burro management is, or is not, suitable, depending on physical and ecological considerations and the desired conditions for the areas. Standards or guidelines such as seasonal closures or restrictions based on forage condition may

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be needed to maintain the sustainability of the range resource. Other plan content may describe the approach to range management to provide for rangeland health, restoration, and grazing opportunities for domestic livestock.

Plan components should be designed to accommodate the range of site specific needs of individual areas, species, allotments, and plant communities. Allotment management plans for livestock and territory management plans for wild horse and burro populations provide specific operational guidance and are the most appropriate planning level to implement management tools such as minimum stubble height, multiple year mean utilization, or stream bank alteration limitations. The appropriate management level for wild horse and burro populations is established in the territory management plan.

When a plan is developed, amended, or revised allotment management plans and wild horse and burro territory plans should be evaluated for consistency with the new plan, as described at 36 CFR 219.15(a) and sec. 22.35).

23.22f - Timber

The requirements for plan components for timber are found at 36 CFR 219.10 as follows:

The plan must provide for ecosystem services and multiple uses, including ... timber ... as follows:

(a) *Integrated resource management for multiple use.* The plan must include plan components, including standards or guidelines for integrated resource management to provide for ecosystem services and multiple uses in the plan area ... When developing plan components ... the responsible official shall consider:

(1) ... timber, ... vegetation, ...

The plan should identify the role of timber harvest within the plan area to maintain and restore desired vegetative conditions for ecological sustainability and species diversity along with the contribution of timber products and services to economic and social sustainability. Specific requirements needed to comply with 36 CFR 219.11 of the 2012 Planning Rule based on the NFMA are described in FSH 1909.12, chapter 60.

The assessment has information about the current condition of forests, levels of timber harvest activity, contribution of timber harvest to restoration and to resilience of vegetation to stressors such as insects, disease, and wildland fire (FSH 1909.12, ch. 10, sec. 13.33). The assessment also has information about levels of timber production and the contribution of timber production to social and economic sustainability. The assessment provides the responsible official with a context to determine the role of timber harvest and production and to develop the desired conditions and other plan components.

Management of forest vegetation for ecological sustainability, species diversity, and social and economic sustainability is a major focus of planning. In addition to the evaluation of information

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in the assessment, an evaluation of ecological processes and stressors with and without active timber harvest is often a central part of the planning process. This evaluation may be supported with GIS information and analysis models that explore desired mixes of plant communities and seral stages as well as paths to achieve these mixes. These paths may include timber harvests that result in timber sold that can contribute to mills or other businesses in support of local economies. Alternative approaches to identifying the desired conditions for vegetation and the paths to achieve them may be examined in detail in the EIS.

Plans may include desired conditions that describe the mix of specific vegetative conditions such as plant communities and seral stages. Desired conditions can also describe the desired nature of timber activity. Desired conditions may vary by management areas or geographic areas.

Plans must have plan content that describes the planned timber sale program, timber harvesting levels, and the proportion of probable methods of forest vegetation management practices (See FSH 1909.12, ch. 60, sec. 65.1). Plans may have objectives that describe intended achievement of planned timber harvest activity by acres of vegetative management projects or timber sale program quantity. Objectives may also include timber harvest to restore conditions in the near term for lands where continued timber harvest or production is not compatible with the desired conditions.

Other plan content may discuss the general management approach intended for timber management or partnership strategies to improve markets for plan area timber. Chapter 60 describes required other plan content for timber.

FSH 1909.12, chapter 60 contains specific guidance on the requirements for timber, based on the 36 CFR 219.11). Chapter 60 includes specific guidance on suitability of lands for timber production, required standards or guidelines, and required display of the timber program.

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The requirements for plan components for scenery are found with those for recreation in 36 CFR 219.8(b) on social and economic sustainability and in 36 CFR 219.10 on multiple use:

§ 219.8. Sustainability.

(b) The plan must include plan components, including the plan area's contribution to social and economic sustainability, taking into account:

(2) Sustainable recreation including recreation settings, opportunities, and access; and scenic character;

§ 219.10 Multiple Use

(a) *Integrated resource management for multiple use.* The plan must include plan components, including standards or guidelines for integrated resource management to provide for ecosystem services and multiple uses in the plan area. When developing plan components ... the responsible official shall consider:

(1) ..., aesthetic values, ..., geologic features, ..., scenery, ... viewsheds,...

...

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

(1) The plan must include plan components, including standards or guidelines, to provide for:

(i) Sustainable recreation; including recreation settings, opportunities, and access; and scenic character...

When developing plan components for scenic character, the responsible official is informed by the assessment that includes the evaluation of the existing and potential scenic character of the area and relevant trends. The scenic character of the plan area, or a portion of the plan area, may be identified as unique or distinct when viewed within a broader landscape. The responsible official may use the unit's distinctive roles and contribution as a foundation for plan components that provide for scenery.

The scenery management system (SMS) should be used when developing plan components related to scenic character. Viewsheds are specific elements to be considered in developing plan components within the SMS that describe areas seen from certain view locations such as roads, trails or campgrounds. Scenic character information, scenic classes, and constituent preferences all help determine scenic integrity and sustainability. Refer to FSM 2380 and Landscape Aesthetics - A Handbook for Scenery Management (Agriculture Handbook 701) for more information on SMS. Plan components for scenic character may be developed to include the concepts of scenic integrity, stability, and sustainability at multiple scales (for example, forest-

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wide, by geographic area, by management area, by ROS setting, by corridor, by viewshed, by geologic or historic feature, or by place association).

In addition to the landscape aesthetics provided for by the application of the SMS, plan components may also provide for aesthetics in the design, construction and maintenance of infrastructure, facilities or other specific projects or activities that may be proposed under the plan. The Built Environment Guide (“The Built Environment Image Guide for the National Forests and Grasslands” United States Department of Agriculture, Forest Service, FS-210, September 2001) can be used as a resource to develop these plan components or a reference to be consulted in the development of plan components applicable to maintaining an attractive infrastructure.

Plans should include desired conditions which describe desired scenic character based on the SMS. Depending on the biophysical and cultural attributes of the plan area’s landscape, there may be multiple desired scenic character descriptions that are associated with specific areas. Desired conditions may also include scenic integrity objectives (SIOs) that describe desired states of naturalness. When developed, SIOs should be comprehensively assigned to the entire plan area to recognize scenery throughout the plan area and be compatible with other desired conditions and other plan components. Note that scenery integrity objectives are not the plan component “objectives” under the planning rule. Desired conditions may also describe scenic stability, and other measures used in scenery management system. Desired conditions may include or reference visual material such as graphics, photographs, or visual simulations that provide a visual perspective of desired scenic character.

Plans may also include standards or guidelines to avoid or mitigate undesirable effects inconsistent with desired conditions. Standards or guidelines can also apply certain scenic integrity objectives to individual management areas or geographic areas. Standards and guidelines can be applied at multiple scales to specific management activities such as timber harvest, trail construction, facility development, or road construction.

Other plan content may describe the plan area’s distinctive role and contribution to outstanding scenic values and the importance of scenery in the broader landscape.

Unique geologic features must also be considered in the planning process. These features are often unique scenic attractions and would likely be recognized in the SMS. Some geologic features may present safety hazards to the recreating public or other users. Plan components may recognize these unique geologic features. In some situations, there may be a need to apply a unique set of plan components for these features in a management, geographic or designated area.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**23.22h - Cultural and Historic Resources**

The requirements for plan components for cultural and historic resources in the rule are found both in 36 CFR 219.8 on social and economic sustainability and in 36 CFR 219.10 on multiple use:

§ 219.8. Sustainability.

(b) The plan must include plan components, including the plan area's contribution to social and economic sustainability, taking into account:

(5) Cultural and historic resources and uses; ...

§ 219.10 Multiple use.

(a) ... When developing plan components ... the responsible official shall consider:

(1) ..., cultural and heritage resources...

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

(1) The plan must include plan components, including standards or guidelines, to provide for:

(ii) Protection of cultural and historic resources.

The assessment has information about the cultural and historical context of the plan area, the cultural and historical resources present in the plan area, the condition and trends affecting these resources, and how these resources contribute to social and economic sustainability (sec. 13.8). A cultural resource overview may also have similar information. The Forest Service also uses the term “cultural resources and heritage assets” to describe cultural and heritage resources. See FSH 2309.12, chapter 20, section 21.3 for more detail on priority heritage assets.

From this information and other information gathered in the plan process, the responsible official shall develop appropriate plan components for the protection of cultural and historic resources. A set of forest-wide plan components may be appropriate when cultural resources are distributed across the entire plan area. The responsible official should consider how to protect all currently identified historic properties and unevaluated cultural resources, and the potential for discovering other cultural resources during project planning, in the development of plan components. See FSH 2309.12, chapter 30 for more detail on the evaluation of cultural and historic resources.

In some situations, cultural or historic resources may be of such recognized value that unique plan components may be appropriate. Priority Heritage Assets may be an example of cultural or historic resources that may be of such recognized value. Depending on the primary value of the

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resource (cultural, traditional, scientific, interpretative, or continued use) the area may be identified with a management, geographic, or designated area (Sec. 22.2 and 23.22i) to apply appropriate plan components. A geographic area may be used to identify a cultural landscape. In other situations, especially those of active cultural use, traditional cultural properties or sacred sites (Sec 23.22i), the responsible official may choose to avoid any mention in the plan of the ongoing use to maintain confidentiality of the sites. Where historic properties derive their integrity from their setting (scenery and viewshed), plan components should provide for scenic character that is in accord with the requirements of the National Historic Preservation Act (NHPA).

In developing plan components, the responsible official shall consult with appropriate entities according to section 106 of the NHPA. The consultation may include consultation with State Historic Preservation Officers, Tribal Historic Preservation Officer(s), federally recognized Tribes, and, if necessary, the Advisory Council on Historic Preservation. FSM 2361.2 contains detailed direction on this consultation process.

Plans may include desired conditions of cultural or historic resources in the plan area. For interpretive areas, priority heritage assets, or cultural landscapes a special set of desired conditions may be appropriate for the protection and use of the resource.

Standards or guidelines are appropriate for the protection and use of historic properties, unevaluated cultural resources, or undiscovered cultural resources and may distinguish between these situations. Standards or guidelines may be designed specifically for projects and activities to avoid unintentional damage or destruction to cultural resources. Use of federally recognized best management practices may greatly assist responsible officials with cultural resources or heritage assets that overlap with lands managed by other Federal agencies.

Other plan content may discuss a management approach for evaluating sites for listing on the National Register of Historic Places. Unique cultural and historic resources, cultural landscapes, national heritage areas, national monuments, national historic trails, national historic landmarks or historical areas, or unique cultural or historic management or geographic areas may be part of the plan's distinctive role and contribution.

23.22i - Areas of Tribal Importance

The requirements for plan components for areas of tribal importance are found at 36 CFR 219.10(b) as follows:

(b) Requirements for plan components for a new plan or plan revision. (1)

The plan must include plan components, including standards or guidelines, to provide for:

(iii) Management of areas of tribal importance.

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The responsible official shall recognize the areas of tribal importance during tribal consultation and develop appropriate plan components for management of these areas. Areas of tribal importance may not always be recognized as cultural resources, as defined by the NHPA. In cases where these tribally important areas are the same as, or may overlap with, cultural resources, guidance in section 23.22h also applies. Some Tribes may not want these areas of tribal importance identified on a map. The responsible official shall consult with Indian Tribes and Alaska Native Corporations on the development of plan components for management of areas of tribal importance (FSH 1909.12, ch. 40, sec. 44).

The assessment provides information about areas of tribal importance, existing tribal rights, and the conditions and trends of these areas (FSH 1909.12, ch. 10, sec. 13.7).

In addition, the responsible official shall manage lands containing Indian sacred sites in accord with Executive Order 13007 of May 24, 1996. Sacred sites identified by Indian Tribes or Alaska Native Corporations during consultation with the responsible official should be treated as confidential by the Agency (25 U.S.C. 3056 and E.O. 13007). Provisions for the specific protection, management, or use of these areas are developed in consultation and collaboration with Indian Tribes or Alaska Native Corporations and the responsible official.

The plan may include desired conditions that clearly recognize Indian Tribe and Alaska Native Corporations' concerns associated with areas of tribal importance and access to these areas even if the locations of the areas are not identified. These desired conditions include providing for traditional uses of the plan area by Indian Tribes and Alaska Native Corporations. Standards, guidelines, or suitable uses should be used to place limits or conditions on projects or activities that may adversely affect areas of tribal importance. Other plan content may describe an ongoing collaborative strategy with specific Indian Tribes as partners in the accomplishment of the objectives.

23.22j - Wilderness

The requirements for plan components on wilderness are found at 36 CFR 219.10(b) as follows:

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

(1) The plan must include plan components, including standards or guidelines, to provide for:

(iv) Protection of congressionally designated wilderness areas as well as management of areas recommended for wilderness designation to protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation.

The assessment provides information about existing wilderness areas and wilderness study areas in the plan area, a general evaluation of the potential need and opportunity for additional wilderness areas, and the contribution of wilderness to social, economic, and ecological

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sustainability (FSH 1909.12, ch.10, sec. 14). From this information and other information gathered in the planning process, the responsible official shall develop appropriate plan components for the protection of designated wilderness areas and the management of areas recommended for wilderness designation.

FSH 1909.12, chapter 70 of this Handbook details the process to be followed to identify and evaluate lands that may be suitable for wilderness and identify any areas to be recommended for wilderness. This identification and evaluation of areas for wilderness recommendation must be included as an appendix in the draft and final EISs for a plan revision.

Plans that include designated wilderness areas must have plan components that provide for wilderness management in accord with the requirements of the Wilderness Act of 1964 (16 U.S.C. 1131–1136, 78 Stat 890), and the law that established the particular wilderness area and any other applicable laws.

In developing plan components for designated or recommended wilderness areas, the responsible official should consider:

1. Measures to protect and enhance the wilderness characteristics of the areas;
2. Management on adjoining lands in other Federal or state ownership especially when adjoining other congressionally designated wilderness areas. If the adjoining lands are part of the same designated wilderness area, the responsible officials should coordinate with the responsible officials of the adjacent administrative units to ensure compatible management of the wilderness area in both plan areas.
3. Content of FSM 2320, which provides guidance for management of wilderness areas.

The plan must clearly identify existing wilderness, wilderness study, and recommended wilderness areas within the plan area. To organize plan components applicable to these areas, the responsible official may provide one or more management or geographic areas.

The decision document of the plan must describe any recommendations for wilderness (FSH 1909.12, ch. 70, sec. 71.4). If areas are recommended for wilderness, the responsible official shall include plan components that protect ecological and social characteristics so that the wilderness character of the recommended area is not reduced before congressional action regarding the recommendation.

The plan may include desired conditions that describe the desired wilderness character for existing, recommended, or wilderness study areas from an ecological and social perspective, recognizing the contribution of wilderness to ecological, social, and economic sustainability.

Standards or guidelines are appropriate for placing limits or conditions on projects or activities that may adversely affect the wilderness character of existing wilderness, wilderness study, or

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recommended wilderness areas. Certain uses may be identified as suitable or not suitable for these areas. Existing wilderness, recommended wilderness areas, or wilderness study areas are not suitable for timber production.

The plan must include maps showing location of all existing wilderness areas, recommended wilderness areas, and wilderness study areas. The contributions of wilderness may also be described as part of the plan area's distinctive role and contribution.

Designated wilderness areas may also have management plans for specific wilderness areas. These management plans must be consistent with the land management plan (36 CFR 219.15(e)) or one of the two plans must be amended to achieve this consistency. The wilderness plans often have more detailed management direction than the plan components of a land management plan. However, any plan components displayed in the wilderness plan must be identical to those in the land management plan.

23.22k - Wild and Scenic Rivers

The requirements for plan components on wild and scenic rivers are found at 36 CFR 219.10(b) as follows:

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

(1) The plan must include plan components, including standards or guidelines, to provide for:

(v) Protection of designated wild and scenic rivers as well as management of rivers found eligible or determined suitable for the National Wild and Scenic River system to protect the values that provide the basis for their suitability for inclusion in the system.

The assessment has information about all existing wild and scenic river segments including their classification into wild, scenic, or recreational segments (FSH 1909.12, ch. 10, sec. 14). The assessment also provides a general evaluation of the potential need and opportunity for additional wild and scenic river segments and the contribution of wild and scenic rivers to social, economic, and ecological sustainability.

FSH 1909.12, chapter 80 details a river specific-assessment process to be followed to determine eligibility, potential classification (wild, scenic, or recreational), and suitability of river segments for inclusion in the National Wild and Scenic River System (WSR). Note that a WSR assessment is not the same as the assessment described in FSH 1909.12, chapter 10 required in the land management planning process. The plan revision process must include a review of the rivers in the plan area to determine if any are eligible for inclusion in the WSR. If a systematic inventory of eligible rivers has been previously completed and documented, however, assessment and study at time of land management plan revision need only be done if changed circumstances warrant additional review of eligibility. See FSH 1909.12, chapter 80 for

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additional direction. A list of the river segments determined to be either eligible or suitable should be included as an appendix in the draft EIS.

Eligible river segments may be evaluated for their suitability for inclusion in the WSR system during the plan revision process. However, river segment suitability evaluation may be deferred for a separate evaluation outside the plan revision process.

Plan components for WSR segments must not interfere with the exercise of valid existing rights. In preparing plan components for designated wild and scenic rivers, rivers found eligible, or rivers determined suitable for the WSR, the responsible official should consider:

1. Measures to protect and enhance the free flow, water quality, and outstandingly remarkable values of the WSR;
2. Management on adjoining lands within the river corridor; and
3. Guidance on management of eligible and suitable river segments found in FSH 1909.12, chapter 80.

The plan must clearly identify designated, suitable, and eligible river segments within the plan area. To organize plan components applicable to existing, suitable, or eligible wild and scenic rivers, the responsible official may provide one or more management or geographic areas for wild and scenic rivers.

The plan may include desired conditions that describe the conditions expected for wild and scenic river segments and their surrounding corridors. These desired conditions should be based on the type of river segment (wild, scenic, or recreational). Desired conditions can vary for specific segment types and may vary for specific rivers or river segments recognizing their outstandingly remarkable values.

Standards or guidelines or suitability may place limits or conditions on projects or activities to ensure that adverse effects on the outstandingly remarkable values of an eligible or suitable wild and scenic river segment are avoided. Standards or guidelines may also protect the intended wild, scenic, or recreational character of a designated river segment to carry out the desired condition for that segment. Existing, suitable, or eligible wild river segments are not suitable for timber production.

Other plan content includes a map of the designated, suitable, and eligible river segments within the plan area. Other plan content may highlight the distinctive role and contribution of wild and scenic river segments. Other plan content may also describe the responsible official's management approach to completing suitability studies of an eligible river or complete wild and scenic river management plans for designated rivers.

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The decision document for the plan must describe the status and any recommendations for wild and scenic rivers within the plan area.

Wild and scenic rivers must also have comprehensive river management plans (CRMPs). CRMPs must be consistent with the land management plan (36 CFR 219.15(e)) or the land management plan or CRMP must be amended to achieve this consistency. River plans often have more detailed management direction than the plan components of a land management plan. However, any plan components displayed in the CRMP must be identical to those in the land management plan.

23.22I - Other Designated Areas

The requirements for plan components for designated areas other than wilderness or wild and scenic rivers are found at 36 CFR 219.10(b) as follows:

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

(1) The plan must include plan components, including standards or guidelines, to provide for:

(vi) Appropriate management of other designated areas or recommended designated areas in the plan area, including research natural areas.

The assessment has information about existing designated areas in the plan area, a general evaluation of the potential need and opportunity for additional designated areas, and the contribution of designated areas to social, economic, and ecological sustainability (FSH 1909.12, ch. 10, sec. 14). Each type of designated area has its own purposes and authorities (sec. 22.23). Some plan areas may have unique designations created by special legislation or other administrative action in addition to the types identified in section 22.23. Plans must recognize and identify existing designated areas and any areas recommended for designation.

Plan components must provide for appropriate management of designated areas for the specific purposes for which an area was designated or recommended for designation in the plan. Plan components must be compatible with the applicable authorities associated with the designation. In developing plan components, the responsible official should consider how designated areas contribute to other desired conditions or objectives for ecological, economic, or social sustainability. To organize plan components applicable to designated areas, the responsible official may provide one or more management or geographic areas or use other means to clearly identify the plan components that apply to each designated area.

The plan may include desired conditions that describe the designated areas of the plan and highlight specific desired conditions for the designated areas. Standards, guidelines, or suitability may place limits or conditions on projects or activities that may adversely affect the purposes of designated areas.

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The plan decision document may designate certain types of areas in the plan itself when the responsible official has the appropriate designation authority. When the responsible official does not have that authority, the decision document may include recommendation for the plan area's designation. Any recommendations for designated areas, or actual designation, must be described in the plan decision document.

National Trails designated under the National Trails System Act must also have comprehensive plans (U.S.C. 1241 sec. 5(e) and (f)). National Trail plans must be consistent with the land management plan (36 CFR 219.15(e)) or either the land management plan or National Trail plan must be amended to achieve this consistency. National Trail plans often have more detailed management direction than the plan components of a land management plan. However, any plan components displayed in the National Trail plan must be identical to those in the land management plan.

23.22m – Minerals

The requirements for plan components on minerals are found at 36 CFR 219.10(a) as follows:

(a) *Integrated resource management for multiple use.* When developing plan components for integrated resource management ... the responsible official shall consider:

(2) Renewable and nonrenewable energy and mineral resources.

Mineral exploration and development on NFS lands are expected to proceed in accord with the laws and regulations governing Federal lands and federally owned minerals. The assessment has information about the current and potential future mineral activity in the plan area and how this activity relates to social, economic, and ecological sustainability. The assessment also provides information about abandoned mines and mining hazards in need of reclamation or restoration.

Each type of mineral development that may occur on NFS lands requires evaluation of applicable laws, jurisdiction of other Federal or State agencies, and recognition of valid existing rights including reserved and outstanding mineral rights. The Forest Service authority for the surface management of mineral resources varies by the class of mineral involved (locatable, leasable, or salable), land status (public domain or acquired), and mineral ownership (federal or private). The Forest Service does not have authority for management of subsurface minerals.

Plan components that deal with minerals must be in accord with Agency jurisdiction, applicable law and Federal regulations, such as coal leasing (43 CFR part 3420), geothermal resources leasing (43 CFR part 3200), locatable minerals (36 CFR part 228, subpart A), disposal of mineral materials (36 CFR part 228, subpart C), and oil and gas leasing (36 CFR part 228, subpart E) and applicable agreements with other agencies and valid existing rights.

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Mineral materials include common varieties of sand, gravel, stone, and other similar materials, that are managed by the Forest Service.

Leasable minerals include oil, natural gas, coal, geothermal, phosphate, and other mineral deposits where the subsurface is owned by the Federal Government. Management of the subsurface mineral resources is the responsibility of the BLM. The Forest Service responsibility for surface management varies depending on the leasable mineral involved.

For areas with high coal resource potential, the responsible official should obtain estimates of the amount of coal recoverable by surface or underground mining operations (or both) from the BLM. For areas under consideration for coal leasing, the land use planning requirements of 43 CFR 3420.1-4 (b)(1)–(4) shall be followed, including determination of lands unsuitable for all or certain stipulated methods of mining per the criteria contained in 43 CFR 3460.

In managing oil and gas resources, the Forest Service determines the availability of the plan area for oil and gas leasing through a leasing availability analysis and decision completed in coordination with the BLM. The leasing availability decision should be a separate decision from the land management plan.

Locatable minerals on public domain lands include gold, silver, copper, and other minerals with unique properties. Forest Service surface authority over locatable minerals must accommodate development of, and reasonable access to, lands open to mineral entry.

Where specific private mineral rights exist the private mineral owner has a legal right to develop those minerals and the Federal government cannot preclude such development.

The plan may include desired conditions that recognize the mineral uses that are likely to be long-term and identify the desired context for their operation. Desired conditions may also describe the desired condition of surface resources and, as appropriate, subsurface resources that may be affected by development of mineral resources. The plan may have objectives to identify intended achievement to maintain or restore the condition of surface and subsurface resources. Suitability may identify areas suitable or not suitable for minerals use in accord with the appropriate legal authorities, including valid existing rights. Suitability may include suitability of surface lands for surface mineral developments associated with minerals in the federal estate. Standards and guidelines may identify restrictions on certain practices to minimize or avoid impacts on surface resources within appropriate legal authorities of the Forest Service. Plan components for minerals must be in accord with other plan components including those for ecological sustainability.

Other plan content may briefly describe the general management principles, management challenges, and management approach to ongoing mineral operations and likely future development. Mineral resources may represent a distinctive role and contribution of the plan area within the broader landscape.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**23.22n - Energy**

The requirements for plan components on energy are found at 36 CFR 219.10(a) as follows:

(a) *Integrated resource management for multiple use.* When developing plan components for integrated resource management ... the responsible official shall consider:

(2) Renewable and nonrenewable energy and mineral resources.

(3) Appropriate placement and sustainable management of infrastructure, such as ... utility corridors.

Generation and transmission of energy from or across NFS lands must be considered during the development of plan components and ultimately integrated into those plan components. The assessment has information about the current and future potential energy developments in and around the plan area and information about existing and potential energy transmission corridors. The assessment also describes how energy developments contribute to social, economic, and ecological sustainability (FSH 1909.12, ch. 10, sec. 13.5).

National forests and grasslands are capable of producing energy through a variety of methods. Many energy sources such as wind, solar, biomass, geothermal, and hydroelectric can be considered sustainable as these forms are capable of producing energy without depleting the source of the energy. The extraction of fossil fuels (oil, natural gas, and coal) is described in the previous section on leasable minerals. Energy developed on or off of NFS lands often requires infrastructure to transfer electric power or fossil fuels through transmission corridors between producers and consumers.

Other Federal agencies, such as the FERC, BLM, USACE, or State or local government agencies may have jurisdiction of certain types of energy facilities on NFS lands. The BLM is the lead federal agency in permitting interagency pipelines. Additional laws and regulations may apply to these types of energy developments. Appropriate engagement with these other agencies and interests and recognition of applicable laws and regulations must be part of the planning process.

The plan may include desired conditions that identify long term energy developments or transmission corridors and the desired context for their operation. Plans may have objectives that identify measureable outcomes or intended achievement related to energy resource management, such as improving the condition of infrastructure developments, providing supply of material for energy generation such as fuelwood, or mitigation actions or outcomes related to energy developments, such as modification of fish passage at dams. Suitable uses may identify areas suitable or not suitable for certain types of energy developments in accord with the appropriate legal authorities. Standards or guidelines may identify restrictions on certain practices related to the use, development, or transmission of energy or fuels within the plan area, within appropriate legal authorities of the Forest Service. Provision of energy or transmission of

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energy across the plan area may be a distinct role and contribution of the plan area to social and economic sustainability.

23.22o - Infrastructure, Roads and Trails

The requirements for plan components on infrastructure are found at 36 CFR 219.10(a) as follows:

(a) *Integrated resource management for multiple use.* When developing plan components for integrated resource management ... the responsible official shall consider:

(1) ..., trails,

(3) Appropriate placement and sustainable management of infrastructure, such as recreational facilities and transportation and utility corridors.

Infrastructure includes the road system, trail system, recreational facilities, administrative facilities, and other facilities needed in and near the plan area. The plan should provide for a realistic desired infrastructure that is sustainable and can be managed in accord with other plan components within the fiscal capability of the planning unit and its partners.

The assessment has information about the current infrastructure in and near the plan area; trends influencing infrastructure relevant to the plan area; the sustainability of that infrastructure; and the contribution of the infrastructure to social, economic, and ecological sustainability. The responsible official needs to understand the existing infrastructure to determine if it is adequate to support the desired conditions of the plan or if it is excessive either because the infrastructure is not needed to support the desired conditions or cannot be fiscally maintained in the future (FSH 1909.12, ch. 10, sec. 13.6).

Forest roads are a major part of the infrastructure within the landscape that provide important motor vehicle access for recreation, resource management activities, private landowners and permittees, and emergency use. Trails today provide for various kinds of recreational use, but they can also provide access for management activities, permittees, or emergencies. Buildings and other facilities within the plan area may be important for recreation, administration, or other uses in the plan area. Infrastructure can also create various environmental problems. For example, roads may be a source of sediment or a vector for the spread of invasive species.

Most planning and design related to infrastructure occurs at the project or site level with a specificity that is not appropriate for a land management plan. For example, the design and construction, or reconstruction, of an individual trail segment is a project specific decision, as is the siting and design of a recreational facility. Travel management analysis is a separate process outside of land management planning to determine what roads are to be maintained for public use. The central consideration in land management planning for infrastructure is that the

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integrated desired conditions and other plan components set a framework for the management of the plan area's infrastructure. Plan components for infrastructure must be in accord with other plan components, including those for ecological sustainability.

For forest roads, the desired conditions should clarify the intended nature of the road system for the plan area and for management and geographic areas. The plan should identify the major arterial road system that provides primary access to, and within, the plan area. Determining the desired conditions, including the intended desired uses for management areas or geographic areas within the plan area, helps identify what type of road system is needed for access to and within these management areas or geographic areas. In accord with plan desired recreational settings and opportunities (sec. 23.22) the public's recreational use and need for roads is an important factor influencing the need for roads. Other uses such as grazing, timber harvest, and mineral and energy development also have needs for the road system.

Based on the desired conditions, other plan components can be developed for the road system. These include objectives either for modifying the road system such as decommissioning and restoring roads in areas where existing roads are no longer desired or improving roads in areas where the road system needs improvement. The objectives should recognize fiscal limitations and relative urgencies in determining objectives for the road system. Suitability can include identifying what types of roads are suitable or not suitable for certain management areas and geographic areas. Standards or guidelines for road management may restrict road management activities in certain situations such as in riparian zones or sensitive scenic areas.

For recreational trails, the desired condition of the recreational settings and opportunities should lead to determining plan components for recreational trails (sec. 23.22). The desired condition(s) for trails may include an overall design of the trail system for the plan area including nationally designated trails (sec. 22.23) and trails for various uses such as hiking, off road vehicles, mountain bicycles, equestrian use, or winter use such as skiing or snowmobiling. Conflicting recreational uses or other needs may lead to plan components that identify what types of trails and recreational use are suitable or not suitable in a specific management or geographic area. Objectives that are developed, within the fiscal, and other, capabilities of the planning unit and its partners can identify intended outcomes or achievements for trail construction or maintenance. While the plan does not determine the use for each specific trail, it does establish desired conditions and other plan components that indicate what trails are appropriate in the plan area.

Trails for non-recreational use, infrastructure for recreational visitors, other transportation infrastructure, and utility corridors go through a similar evaluation process to identify the desired infrastructure for the plan area, management, or geographic areas. The evaluation of infrastructure must consider the fiscal capability, authority of the Forest Service, and inherent capability of the land. Once the desired infrastructure is identified objectives can indicate intended achievement to move the infrastructure towards the desired conditions, suitability

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components to identify suitable or not suitable kinds of infrastructures, and standards or guidelines can be developed.

Other plans specifically designed for management of the infrastructure, such as travel management plans, must be consistent with the plan components of the land management plan (36 CFR 219.15(e)).

23.22p - Land Status, Ownership, Use, Access and Linkage of Open Space with Other Ownerships

The requirements for plan components on land status and ownership, and use and access patterns are found at 36 CFR 219.10(a) as follows:

(a) *Integrated resource management for multiple use.* When developing plan components for integrated resource management ... the responsible official shall consider:

(1) ..., habitat and habitat connectivity,

(4) Opportunities to coordinate with neighboring landowners to link open spaces and take into account joint management objectives where feasible and appropriate.

(6) Land status and ownership, use and access patterns, relevant to the plan area.

In the development of plan components the responsible official needs to recognize and actively consider the nature of land status, ownership, and access within the plan area and surrounding the plan area. In particular, the resource and management influences related to land status, ownership, and use must be considered in the planning process. For example, consider the impacts of fragmentation of forest or key non-forest habitats, recognizing how development pressures may influence the plan area, access points for the public and specific authorized uses to the plan area, and the ability to manage cumulative impermeable surfaces within a watershed. An additional important concern is the consideration of opportunities to create connectivity of habitat and open space across these ownerships.

The assessment identifies the NFS land status within the plan area, including public domain lands, acquired lands and the authority under which they were acquired, any split estate lands where the Federal Government does not hold clear, or fee simple, title such as severed rights (for example, minerals estates), and existing rights of way or other ownership issues. The assessment also evaluates the patterns and trends of land ownership, use, and access and the influences of these patterns relevant to the plan area. The assessment also identifies needs and opportunities for connectivity with adjacent lands to conserve open space. The assessment assists in identifying conditions and trends external to the plan areas that foster, restrict, or threaten sustainable management of the plan area (FSH 1909.12, ch. 10, sec. 13.9).

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The responsible official shall use the information in the assessment and additional information provided through the planning process to inform plan components. At a minimum, the responsible official shall review and consider the plans, planning efforts, and land use policies of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments and document the review in the EIS (36 CFR 219.4(b)). As a result of the review, problems and opportunities affecting multiple ownerships can be recognized and collaborative approaches developed. Opportunities for collaboration with neighboring ownerships, and other Federal agencies, State, local, and tribal governments can support a landscape approach for sustainable management in which the plan area plays a role.

The responsible official should consider the following when designing plan components:

1. Indian treaty and other reserved rights on the plan area;
2. Valid existing rights associated with other ownerships within and adjacent to the plan area;
3. The status and ownership of the federal lands including federal surface with reserved and outstanding mineral estate within the plan area;
4. Changing ownership, uses, or fragmentation either underway or planned near the plan area and how these may affect the plan area's resources;
5. Access points and areas accessed by the public for recreation and other uses of the plan area;
6. Open space commitments of adjacent landowners where connectivity with the plan area connects or could connect open space across boundaries; and
7. Risks to either the plan area or to adjacent ownerships along plan area boundaries.
8. Coordination with U.S. Border Patrol on issues relating to national security along any international border of the United States.

The responsible official may identify management or geographic areas where a specific set of plan components may be used to deal with important influences that cross ownership boundaries. Examples include wildland urban interface (WUI) areas or open space connections.

Plans may describe the desired nature of the land patterns, uses, and access of the plan area including unique desired conditions for specific areas based on their land status or adjacency to other ownerships. Plan objectives may identify intended achievements toward to improving land status or multiple land ownership patterns, connecting open space, improving access issues or conditions along the plan area boundary such as treatments in the WUI. Suitability of lands for

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uses and standards or guidelines may identify restrictions on NFS projects or activities while taking into account land ownership, status, and other influences that cross ownership boundaries.

Other plan content can describe management approaches to work with multiple governments and ownerships to accomplish common goals or objectives. This may include a description of partnerships, and coordination designed to achieve more sustainable land management approaches within the broader landscape. The other plan content could describe how the responsible official may work to establish collaborative agreements with joint objectives with other ownerships or jurisdictions.

23.22q - Other Considerations for Multiple Use

There are other considerations for multiple use such as air quality, fish and wildlife species, habitat and habitat connectivity, riparian areas, soil, risks to ecological sustainability, system drivers and stressors. The requirements for plan components for other considerations for multiple use are found at 36 CFR 219.10(b) as follows:

(a) *Integrated resource management for multiple use.* When developing plan components for integrated resource management ... the responsible official shall consider:

(1) ..., air quality, ..., fish and wildlife species, habitat and habitat connectivity, riparian areas, soil, and other relevant resources and uses.

(7) Reasonably foreseeable risks to ecological, social, and economic sustainability,

...

(8) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species and climate change; and the ability of the terrestrial and aquatic ecosystems on the plan area to adapt to change [§ 219.8]

(36 CFR 219.10)

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

(2) Other plan components for integrated resource management to provide for multiple use as necessary.

Exhibit 01 lists where each of these topics is covered in an earlier section of this chapter. as follows:

23.22q - Exhibit 01**Topics covered in an earlier section of this chapter.**

Topic	Section
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Air quality:	Section 23.12a
Fish and wildlife species	Section 23.1-23.13c
Habitat and habitat connectivity	Sections 23.11-23.11d, 23.22p
Riparian areas	Section 23.11c
Soil	Section 23.12b
Reasonably foreseeable risks to ecological sustainability	Section 23.1-23.13c
System drivers, disturbance regimes and stressors	Section 23.1-23.11d
Climate change and the ability of aquatic and terrestrial ecosystems to adapt to change	Section 23.1-23.13c

The responsible official is also required to provide other plan components that may be necessary for multiple use (36 CFR 219.10(b)(2)).



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CHAPTER 30 – MONITORING

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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.

New Document	1909.12_30	xx Pages
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Digest:

30 – Revises chapter in its entirety. Changes chapter caption from “Public Participation and Collaboration” to “Monitoring.” Removes codes, captions and obsolete direction, and establishes codes, captions, and sets forth new direction throughout the chapter.

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This chapter describes the plan monitoring program, broader-scale monitoring strategy, and biennial evaluation of the monitoring information for land management planning. For ease of reference, Forest Service regulations for National Forest System (NFS) Land Management Planning implementing the requirements of section 6 of the National Forest Management Act of 1976 are set out in boldface type and block-indented.

30.2 - Objective

The objective of monitoring a land management plan is to enable the responsible official to determine if a change in plan components or other plan content on the plan area may be needed.

31 - MONITORING

(3) *Monitoring.* Monitoring is continuous and provides feedback for the planning cycle by testing relevant assumptions, tracking relevant conditions over time, and measuring management effectiveness (§ 219.12). The monitoring program includes plan-level and broader-scale monitoring. The plan-level monitoring program is informed by the assessment phase; developed during plan development, plan amendment, or plan revision; and implemented after plan decision. The regional forester develops broader-scale monitoring strategies. Biennial monitoring evaluation reports document whether a change to the plan or change to the monitoring program is warranted based on new information, whether a new assessment may be needed, or whether there is no need for change at that time. (36 CFR 219.5)

See 36 CFR 219.12, for monitoring direction related to land management planning. See FSM 1940 for overall direction on monitoring.

This chapter focuses on the monitoring phase of the planning framework, complementing the previous chapters in this Handbook. Chapter 10 of this Handbook provides guidance for the assessment phase that is used to inform the monitoring design. Chapter 20 of this Handbook provides guidance for the land management planning process, where the plan monitoring program questions and associated indicators are developed and established as part of the plan.

Monitoring forms the basis for continuous improvement of the plan and information for adaptive management of the plan area. The purpose of monitoring in an adaptive management framework is to facilitate and prioritize learning to support decisions on whether changes are needed. The plan monitoring program enables the responsible official to determine where changes are needed in plan components, other plan content, and plan implementation strategies that guide resource management in the plan area. Monitoring also helps inform where to make improvements in the plan monitoring program and broader-scale monitoring strategy.

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A plan-level and broader-scale monitoring approach is used for monitoring the plan area to determine whether the land management plan needs to be changed:

1. The responsible official develops the plan monitoring program as part of the plan. The plan monitoring program identifies the monitoring questions and associated indicators for monitoring the plan, using both plan-level and relevant broader-scale monitoring to address the questions and associated indicators.
2. The regional forester develops the broader-scale monitoring strategy for monitoring questions identified by land management plans in the region that can be answered best at a geographic scale broader than one plan area. The broader-scale monitoring information is used to address plan monitoring questions where relevant.

31.1 - Best Available Scientific Information for Monitoring

The responsible official must document how the best available scientific information (BASI) is used to inform the development of the plan monitoring program in the decision document for the plan. Documentation needs to identify what BASI was used, explain the basis for the determination of the BASI, and describe how the BASI was applied. See 36 CFR 219.3 and FSH 1909.12, chapter 40, section 42.13. See section 32.1 of this chapter for other information that may be used in developing the plan monitoring program.

31.2 - Public Participation for Monitoring

The responsible official shall provide opportunities for the public to participate in developing the plan monitoring program during the development or revision of plans. The intent of public participation is to develop a shared sense of ownership and support for the monitoring questions and associated indicators, to provide opportunities to design and carry out multi-party monitoring, to learn of other monitoring information available, and to improve the plan monitoring program. See 36 CFR 219.4 and FSH 1909.12, chapter 40, section 43.

31.3 - Tribal Consultation for Monitoring

Consultation with tribal officials from federally recognized Tribes and Alaska Native Corporations during the plan development phase must include consultation on the development of the plan monitoring questions and associated indicators for the plan monitoring program. See 36 CFR 219.4 and FSH 1909.12, chapter 40, section 44.

32 - PLAN MONITORING PROGRAM

- (a) *Plan monitoring program.*** (1) **The responsible official shall develop a monitoring program for the plan area and include it in the plan. Monitoring information should enable the responsible official to determine if a change in plan components or other plan content that guide management of resources on the plan area may be needed. The**

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development of the plan monitoring program must be coordinated with the regional forester and Forest Service State and Private Forestry and Research and Development. Responsible officials for two or more administrative units may jointly develop their plan monitoring programs.

(2) The plan monitoring program sets out the plan monitoring questions and associated indicators. Monitoring questions and associated indicators must be designed to inform the management of resources on the plan area, including by testing relevant assumptions, tracking relevant changes, and measuring management effectiveness and progress toward achieving or maintaining the plan's desired conditions or objectives. Questions and indicators should be based on one or more desired conditions, objectives, or other plan components in the plan, but not every plan component needs to have a corresponding monitoring question.

(3) The plan monitoring program should be coordinated and integrated with relevant broader-scale monitoring strategies (paragraph (b) of this section) to ensure that monitoring is complementary and efficient, and that information is gathered at scales appropriate to the monitoring questions. (36 CFR 219.12)

The plan monitoring program sets out the plan monitoring questions and associated indicators to meet the requirements of 36 CFR 219.12.

1. The plan monitoring program must:

- a. Use the BASI to inform the plan monitoring program and subsequent decisions based on monitoring information.
- b. Provide opportunities for public participation, collaboration, and multi-party monitoring in the development and implementation of monitoring for the plan area.
- c. Make data sets and results transparent, consistent, and available to the public where possible. Must design relevant questions and associated indicators to measure management effectiveness and assess progress towards the desired conditions or objectives.
- d. Test relevant assumptions, track relevant conditions over time, and measure management effectiveness to inform management of resources on the plan area.
- e. Must be designed to be implemented within the financial and technical capabilities of the Agency.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**2. The plan monitoring program should:**

- a. Build from existing internal and external monitoring efforts to design and carry out monitoring for the plan.
- b. Integrate complementary monitoring information with partners to gain efficiencies for adaptive management across the landscape including data collection methodologies that facilitate data aggregation across units or with partners.
- c. Include relevant information gathered through project and activity monitoring, and information gathered through plan monitoring should be used to inform development of projects or activities.
- d. Build public trust to support adaptive management.

32.1 - Developing the Plan Monitoring Program

The process for developing the plan monitoring program should start early in the planning process. The responsible official may start identifying potential monitoring questions and associated indicators in the assessment phase, but shall develop and select the monitoring questions and associated indicators during the plan development phase.

The plan monitoring program consists of a set of monitoring questions and associated indicators to evaluate whether plan components are effective and appropriate and whether management is being effective in maintaining or achieving progress toward the desired conditions and objectives for the plan area. The responsible official has the discretion to set the scope, scale, and priorities for plan monitoring within the financial and technical capabilities of the Agency, but shall include monitoring questions and indicators for the eight items set out in the planning rule at 36 CFR 219.12(a)(5); see section 32.13 of this chapter.

Plan components form the basis for developing the monitoring questions and associated indicators in the plan monitoring program, see sections 32.11 and 32.12 of this chapter. Desired conditions and objectives should be stated in terms that are specific enough to determine whether progress toward their achievement is being made. In addition, standards and guidelines should be stated in terms that are specific enough to determine whether or not they are effective in achieving their purpose.

The responsible official has discretion to determine the methodology and scale of rigor needed to achieve credible monitoring information, ranging from statistically tested methods to professional observation and judgment. National inventory and monitoring protocols should be used to provide standard data collection, where appropriate, to provide consistency across the Agency.

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The responsible official should use available public and governmental information in developing the plan monitoring program where it is relevant and appropriate. Such information would include traditional ecological knowledge, land ethics, cultural issues, and sacred and culturally significant sites. The responsible official shall protect the confidentiality of sensitive information when required by law.

Exhibit 01, Example of a Subset of a Plan Monitoring Program, identifies a sample subset of a possible plan monitoring program that includes selected plan components to monitor, monitoring questions, and indicators associated with each question.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**32.1 – Exhibit 01****Example: Subset - Plan Monitoring Program**

<u>Selected Plan Components</u>	<u>Monitoring Questions</u>	<u>Indicators</u>
Conservation and Maintenance of Soil, Water, and Air Resources		
<p>Desired Condition: Watershed conditions are properly functioning.</p> <p>Objective: 50,000 acres in (named) priority watershed(s) improved to xx condition within yy years of plan approval</p>	Are the priority watershed conditions functioning properly?	Percentage of or amount of: forest cover, riparian area tree and shrub distribution, aquatic biota composition, aquatic habitat continuity, disturbed area (roads, trails, fire lines) condition, area of unstable soils.
<p>Desired Condition: Surface water quality meets or exceeds State standards for aquatic biodiversity and beneficial downstream uses.</p> <p>Standard: Project design must meet or exceed applicable best management practices (BMPs) prescriptions to avoid nonpoint-source pollution.</p>	Are BMPs effective in protecting the most sensitive of the state-designated beneficial uses of surface water, for example native brook trout habitat?	<p>Macroinvertebrate Aggregated Index for Streams score for benthic macroinvertebrates.</p> <p>Qualitative observations to determine if BMPs are implemented and effective.</p>
Conservation of Biological Diversity		
<p>Desired Condition: Healthy longleaf ecosystems, with longleaf pine overstory, open midstory with park-like appearance, and diverse understory of native grasses, legumes and other forbs, appropriately distributed across their native ranges.</p> <p>Objective: Restore 10,000 acres of longleaf ecosystem mid story and maintain 150,000 acres of longleaf ecosystems that currently meet overstory desired conditions.</p>	What progress has been made toward maintaining and restoring desired conditions so that native longleaf ecosystems occupy appropriate sites?	Changes in tree abundance, tree age and size distribution, distribution of ecosystem indicator plants, status of red-cockaded woodpecker and gopher tortoise populations in longleaf ecosystems.

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<u>Selected Plan Components</u>	<u>Monitoring Questions</u>	<u>Indicators</u>
Conservation of Biological Diversity		
Desired Condition: Alpine ecosystems sustain their diversity and maintain the attributes and processes that allow them to provide watershed values, habitat for native biota, panoramic vistas, and solitude. They display a diverse composition of desirable native plant species and vegetation communities. Invasive plant species are absent or rare.	Are plant communities of alpine ecosystems being protected, maintained, and restored?	<p>Areal extent of plant community of alpine ecosystems.</p> <p>Presence of fragmentation characteristics such as patch size, edge, and proportion of habitat interior.</p> <p>Status of disturbance processes that shape the community.</p>
Maintenance and Enhancement of Social Benefits		
Desired Condition: Recreation settings and opportunities provide high visitor satisfaction, meeting current and future public demands in sustainable ways.	<p>Are the current recreation settings and opportunities moving toward desired recreation settings and opportunities?</p> <p>What is the trend in visitor use and satisfaction?</p>	<p>Recreation Opportunity Spectrum (ROS) acres, location, and distribution (mapped ROS).</p> <p>Satisfaction levels from National Visitor Use Monitoring (NVUM) data.</p>

32.11 - Selecting Monitoring Questions

Monitoring questions should focus on providing the information necessary to evaluate whether plan components are effective and appropriate and whether management is being effective in maintaining or achieving progress toward the desired conditions and objectives for the plan area. A monitoring question is not necessary for every desired condition, objective, or other plan component.

When selecting monitoring questions, the responsible official should evaluate whether questions will provide useful information to inform future plan decisions and provide rationale for the selected set of questions. The responsible official may select as many monitoring questions as the unit, in conjunction with partners, is capable of addressing, as part the broader-scale monitoring program. The plan monitoring program must be within the financial and technical capability of the administrative unit. Consider the following questions:

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1. Which desired conditions and objectives, or other plan components, need to be monitored to evaluate the effectiveness of the plan and management of resources on the plan area?
2. What specific elements of the selected desired conditions and objectives need to be monitored to determine status and trends of resources in the plan area?
3. Have projects and activities been effective in achieving or maintaining the selected desired condition and objectives?
4. What underlying plan component assumptions and relevant changes in the plan area need to be validated or tracked for the desired conditions and objectives?
5. Is there a high degree of uncertainty associated with management assumptions used in the planning process that monitoring could reduce for future plan decisionmaking?
6. Can monitoring questions contribute to a broader understanding of the relationship between the plan area and the lands surrounding it?
7. Can measurable, efficient, and cost effective indicators for each question be identified?
8. Can information for questions or indicators be provided through broader-scale monitoring programs or data sets available from other sources?
9. Can partnering or multi-party monitoring increase the Agency's ability to answer a monitoring question that maybe unfeasible otherwise?

32.12 - Selecting Monitoring Indicators

Indicators are performance measures used in answering the selected monitoring questions (see FSM 1905 for the definition for “indicator”). The plan monitoring program must include at least one indicator for each monitoring question. The responsible official should choose indicators for which the Agency by itself or with partners can afford to collect the associated data. In addition, the indicators should be practical, measurable, and relevant to answering the monitoring questions for the plan area.

Indicators should be responsive to management activities, or should be chosen to help test relevant assumptions or track relevant changes.

Whenever possible, indicators should be based on standardized data stored in Forest Service corporate data systems, such as the Natural Resource Manager (NRM), or in official sources from other public agencies, such as the Bureau of Census, in order to facilitate consistency and understanding of conditions across the landscape.

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The responsible official may want to set up an agreement if external data sets are used from other parties, to ensure data quality, availability, and duration. The responsible official shall also advise all parties that data provided to the Forest Service in all phases of the planning process may be released under the Freedom of Information Act.

32.13 - Content of the Plan Monitoring Program

(5) Each plan monitoring program must contain one or more monitoring questions and associated indicators addressing each of the following:

(i) The status of select watershed conditions.

(ii) The status of select ecological conditions including key characteristics of terrestrial and aquatic ecosystems.

(iii) The status of focal species to assess the ecological conditions required under § 219.9.

(iv) The status of a select set of the ecological conditions required under § 219.9 to contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern.

(v) The status of visitor use, visitor satisfaction, and progress toward meeting recreation objectives.

(vi) Measurable changes on the plan area related to climate change and other stressors that may be affecting the plan area.

(vii) Progress toward meeting the desired conditions and objectives in the plan, including for providing multiple use opportunities.

(viii) The effects of each management system to determine that they do not substantially and permanently impair the productivity of the land (16 U.S.C. 1604(g)(3)(C)). (36 CFR 219.12(a))

The planning rule lists eight items, each of which must be addressed in the plan monitoring program by one or more monitoring question(s) and associated indicator(s). Monitoring questions and associated indicators may be designed to apply to more than one of the required items, where appropriate. The plan monitoring program may include additional monitoring questions and associated indicators for other topics not listed in the rule, as the responsible official deems appropriate. A range of monitoring techniques may be used to implement the monitoring requirements.

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Specific guidance for the eight listed items in the rule is provided in the following sections.

32.13a - Select Watershed Conditions

The plan monitoring program must contain one or more monitoring questions and associated indicators for plan components that address the status of conditions of select watersheds,

The Watershed Condition Framework should provide a basis for watershed based plan monitoring. Ensure when developing monitoring elements associated with watersheds that they are consistent with, and build upon, the work previously accomplished through the framework process.

Key ecosystem characteristics related to water resources and watershed conditions, such as water quantity, quality, timing, and distribution, may also provide a basis for monitoring watershed conditions to evaluate whether there is progress toward achieving desired plan conditions.

Consider the following when developing the monitoring question(s) and selecting their associated indicator(s) for plan components related to water resources and watershed conditions for the plan area, and determining the frequency of monitoring needed:

1. The appropriate geographic scale relevant to the question(s) to be answered, extending beyond the plan area where appropriate, and taking into consideration source areas for both surface and subsurface water that flows into the plan area and receiving areas for water that flows off the plan area.
2. Potential influences on water resources and watershed conditions from both within and beyond the plan area, including the location, distribution, and aggregate effects of land uses, projects, activities, and other stressors.
3. The general quality of surface and ground water across the plan area and available information on its spatial and seasonal variability.
4. Watersheds and aquifers that serve as public drinking water supplies, including designated Municipal Watersheds under FSM 2542.
5. National BMPs program for water quality.
6. Relevant information and data sources from Forest Service sources and other Federal, State, and local agencies, Tribes, partners, and others as appropriate.
7. The role, location, and contribution of water resources, including stream courses, water bodies, groundwater, and associated riparian areas, with water availability, quality, or timing concerns potentially affecting sustainability of aquatic ecosystem integrity and existing human uses.

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8. The nature, extent, and role of existing and reasonably foreseeable future water withdrawals and associated infrastructure and uses.
9. Water flows and levels needed to sustain the biotic and abiotic integrity of aquatic ecosystems, including groundwater dependent ecosystems.
10. Designated impaired or contaminated waters within or adjacent to the plan area.

Water monitoring should be coordinated with other agencies and partners that have relevant information and/or monitoring programs that overlap with NFS units that may be helpful in meeting the needs for land management plans.

See FSM 2500, associated handbooks and technical guides for more information related to water resources and watershed conditions.

32.13b - Ecological Conditions for Terrestrial, Riparian and Aquatic Ecosystems, and At-Risk Species

The plan monitoring program must contain one or more monitoring questions and associated indicators for addressing measurable changes to the status of select ecological conditions and key ecosystem characteristics across the plan area. The selected set of ecological conditions and key ecosystem characteristics related to the composition, structure, ecological processes, and connectivity of plan area ecosystems (terrestrial, riparian, and aquatic), provide the basis for monitoring ecosystem integrity (36 CFR 219.8(a)(1)) and the diversity of plant and animal communities (36 CFR 219.9).

Watershed condition and the status of the water resources are integral to the ecological integrity of the terrestrial, riparian, and aquatic ecosystems within the plan area. Section 32.13a of this chapter provides direction for monitoring the status of watershed conditions. The monitoring questions and associated indicators related to the status of watershed conditions contribute to the monitoring of the ecological conditions associated with the terrestrial, riparian, and aquatic ecosystems within the plan area.

Ecological conditions associated with the sustainability of ecosystems may relate to the habitat requirements for at-risk species. The set of at-risk species for planning purposes are federally recognized threatened, endangered species, proposed, and candidate species; and species of conservation concern. Monitoring questions and associated indicators for the status of select ecological conditions and key ecosystem characteristics of terrestrial, riparian, and aquatic ecosystems required under 36 CFR 219.12(a)(5)(ii) may overlap with those needed for at-risk species required under 36 CFR 219.12(a)(5)(iv). These two rule requirements should be considered together in developing monitoring questions and associated indicators. The same monitoring question and associated indicator(s) may be able to support both requirements.

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The plan monitoring program must include one or more monitoring questions and associated indicators for the ecological conditions that relate to at-risk species relevant to the plan area. The monitoring questions and indicators should measure the effectiveness of plan components, both ecosystem and species-specific components that maintain or restore the ecological conditions and key ecosystem characteristics necessary, where practical, to:

1. Contribute to the recovery of threatened and endangered species,
2. Conserve proposed and candidate species, and
3. Maintain viable populations of species of conservation concern within the plan area.

Monitoring questions and associated indicators are developed for the selected ecological conditions and key ecosystem characteristics for ecosystem diversity and ecosystem integrity. Provide indicators that can be periodically measured and assessed to evaluate the implementation of plan components and to determine their effectiveness in achieving desired plan conditions for ecosystem integrity, ecosystem diversity, and at-risk species.

1. The following may be considered when developing monitoring questions and selecting associated indicators relevant to ecosystem integrity, ecosystem diversity, and at-risk species:
 - a. Selecting monitoring questions and associated indicators that assess the effectiveness of plan components specifically developed for ecosystem integrity, ecosystem diversity, and at-risk species. See chapter 20 of this handbook for plan component requirements.
 - b. Selecting monitoring questions and associated indicators describing processes in the watershed. The intent is to identify risks to watershed condition, such as identifying which road segments contribute the most sediment to streams (sec. 32.13a of this chapter).
 - c. Selecting monitoring questions and associated indicators for ecological conditions and key ecosystem characteristics at both the ecosystem and species-specific levels of the terrestrial, riparian, and aquatic ecosystems in the plan area, as appropriate.
 - d. Focusing monitoring questions and associated indicators for at-risk species on ecological conditions related to relevant listing factors and other key risk factors, stressors, and threats that have contributed to the current status of the species.
 - e. The appropriate geographic scale relevant to the question(s) to be answered.
 - f. Potential influences on the ecological conditions and key ecosystem characteristics being monitored from sources both within and beyond the plan area, including the

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location, distribution, and aggregate effects of land uses, projects, activities, and other stressors.

g. Broader-scale monitoring strategies of the Forest Service and other agencies relevant to ecosystem integrity, ecosystem diversity, and at-risk species of the plan area.

h. Relevant information and data sources from Forest Service sources and other Federal, State, and local agencies, Tribes, partners and others, as appropriate.

i. Selecting monitoring questions and associated indicators that may be among the first affected by stressors, like climate change. These indicators may provide early warnings of ecosystem response to stressors.

j. Selecting indicators that are useful in answering more than one monitoring question. For example, measuring progress towards maintaining or restoring longleaf pine ecosystems contributes to monitoring questions related to longleaf pine ecosystem integrity, contributions to recovery of federally listed species (red-cockaded woodpecker, gopher, tortoise, and others), and to maintaining viable populations of species of conservation concern (Bachman's sparrow).

2. When determining the method(s) within the financial and technical capabilities of the Agency to be used to monitor the selected set of ecological conditions and key ecosystem characteristics, the responsible official should consider the following:

a. The availability of ecological system information or data from sources such as NRM, Forest Inventory and Analysis (FIA), or other agencies and partners, where relevant and practicable.

b. Using both remotely sensed information and field collected data where appropriate and currently available.

c. Coordinating monitoring efforts with other agencies and partners that have ecological information and, or, monitoring programs that overlap with NFS units that may be helpful in meeting the needs for land management plans.

d. Existing monitoring strategies and data that adequately address the monitoring questions being asked.

f. Choosing methods in which monitoring data that can be aggregated up to the plan or broader scale monitoring levels

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**32.13c - Focal Species**

Every plan monitoring program must identify one or more focal species and one or more monitoring questions and associated indicators addressing the status of the focal species. The purpose for monitoring the status of focal species over time is to provide insight into the following:

1. Integrity of ecological systems on which focal species depend,
2. Effects of management on those ecological conditions,
3. Effectiveness of the plan components to provide for ecological integrity and maintain or restore ecological conditions, and
4. Progress towards achieving desired conditions and objectives for the plan area. It is not expected that a focal species be selected for every element of ecological conditions.

Focal species are not selected to make inferences about other species. Focal species are selected because they are believed to be responsive to ecological conditions in a way that can inform future plan decisions. Categories of species that could be included under the term “focal species” and could serve this ecological purpose include indicator species, keystone species, ecological engineers, umbrella species, link species, species of conservation concern, and others.

The requirement for the responsible official to monitor focal species allows discretion to determine the most appropriate method and geographic scale for monitoring, within the financial and technical capabilities of the unit. Some focal species may be monitored at scales beyond the plan area boundary, while others may be more appropriately monitored and assessed within the plan area. Monitoring focal species is intended to address situations where they provide more value than monitoring other potential indicators.

The responsible official has discretion for determining the monitoring design and methodology used to assess the status of focal species. The design and methodology for monitoring focal species should reflect the BASI and the ecological conditions for which the species is being selected.

1. Selecting focal species may include the following steps and considerations:
 - a. Identifying (FSH 1909.15, ch. 10) the ecological conditions or key ecosystem characteristics to be monitored.
 - b. Identifying threats to ecosystems and stressors related to those characteristics or conditions, including those that may affect ecological conditions relevant to at-risk species.

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- c. Identifying well-recognized keystone species, ecological engineers, and other species with strong ecological interactions with these ecosystems.
 - d. Considering the sensitivity of a species to changing ecological conditions or the species' utility in confirming the existence of desired ecological conditions.
 - e. Considering efficacy of monitoring the species for determining changes in the ecological conditions or key ecosystem characteristics
 - f. Considering the ability for the species to be a more direct and effective measure of ecological characteristics of interest than other potential monitoring indicators.
 - e. Considering the ability of the selected species to provide data for multiple purposes.
 - g. Considering the Agency's ability to effectively and efficiently monitor the species within its technical and financial capabilities.
2. Exhibit 01, Longleaf Pine Forest Ecosystem Example for Monitoring Status of Key Ecosystem Characteristics and Focal Species, shows the relationship between ecological conditions for terrestrial ecosystems and at-risk species, and focal species. The example identifies possible plan monitoring program questions and associated indicators, and shows how the following topics are related:
- a. Desired ecological condition,
 - b. Monitoring question,
 - c. Potential key ecosystem characteristics,
 - d. Possible focal species, and
 - e. Scale to monitor.

For more monitoring examples for key ecosystem characteristics and focal species visit the TIPS (Technical Information for Planning Site) at <http://www.fs.fed.us/TIPS>.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**32.13a-c – Exhibit 01****Longleaf Pine Forest Ecosystem Example
for Monitoring Status of Key Ecosystem Characteristics and Focal Species****Desired Ecological Conditions** (to maintain or restore):

Vegetation patterns are primarily a product of frequent and low intensity fires and tree harvests resulting in relatively open, park-like pine stands eventually dominated by native, fire dependent longleaf pine communities. The forest canopy ranges from sparse to moderate stocking. The forest typically has long scenic vistas broken by hardwood-lined slopes, creeks, and river bottoms. Other than longleaf pine, few shrubs and mid-story trees grow on the uplands. The native ground cover is continuous and is primarily composed of herbaceous plants dominated by grasses, composites, legumes, and other forbs. Portions of the forest are areas where larger, older trees are interspersed with small, variable patches of younger trees, saplings, seedlings, or small openings. Individuals and clumps of large, old longleaf pine trees are well-distributed across the landscape.

The desired amounts of these indicators for the plan area (acres, percentages, trees/acre, number of suitable red-cockaded woodpecker nest cavity sites/area, fire frequencies, and so forth.) would be established in the desired conditions for the specific plan.

Monitoring Questions:

Is the number of suitable red-cockaded woodpecker nest cavity sites/areas meeting desired conditions?

Are the percentage of trees/acre meeting desired conditions in long-leaf pine ecosystem areas?

The following list provides potential key ecosystem characteristics (indicators for this monitoring question) and possible focal species that may be used to monitor these ecological conditions.

Potential Key Ecosystem Characteristics/ (Indicators):

- Distribution and spatial extent of the longleaf pine forest type.
- Presence, abundance, and spatial distribution of large (>12”) old (>80 years) pine trees.
- Amount and distribution of vegetation seral/structural stages.
- Availability of suitable nesting/roosting cavity sites for red-cockaded woodpeckers.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**32.13a-c – Exhibit 02 —Continued****Possible Focal Species** (Reason for selection and potential indicator and monitoring method):

- **LONGLEAF PINE** - keystone species for these conditions; changes in areal extent of longleaf pine forest stands.
Monitoring may include querying a unit's database every 2-3 years for total acres in longleaf pine forest.
- **RED-COCKADED WOODPECKER** - endangered species associated with mature longleaf pine stands; changes in number of active cluster sites.
Monitoring for this species may include identifying total number of active clusters within the plan area based upon site visits conducted annually.
- **BACHMAN'S SPARROW** - species of conservation concern associated with grassy understory conditions; changes to area/habitat occupied.
Monitoring for this species may include presence/absence determinations by song surveys conducted every 2-3 years in sample areas randomly selected in established habitat conditions.

Scale (most appropriate for monitoring): large landscape area, management area

32.13d - Visitor Use, Visitor Satisfaction, and Recreation Objectives

The plan monitoring program must contain one or more monitoring questions and associated indicators addressing the status of visitor use, visitor satisfaction, and progress toward meeting recreation objectives. The purpose for monitoring recreation is to evaluate:

1. Progress towards achieving desired conditions and objectives for sustainable recreation,
2. Contributions to social and economic sustainability, and
3. Management consistency with other plan components.

The responsible official may consider plan components for sustainable recreation, recreation opportunities, scenic character, recreation settings, and social and economic sustainability in designing monitoring questions and associated indicators.

The responsible official shall identify one or more monitoring questions, such as:

1. What is the status and trend of visitor use, visitor satisfaction, and progress toward meeting recreation objectives in the plan?
2. Are the current recreation settings and opportunities meeting or moving toward desired recreation settings and opportunities identified in the plan?

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3. Are the recreational objectives identified in the plan being achieved and are they sustainable?
4. Is the set of recreation opportunities effective for connecting people with nature?
5. Was the set of recreation opportunities successfully designed to reduce or minimize user conflict?
6. How are the recreation settings and opportunities contributing to the plan's desired condition(s) and objective(s) for ecological, social, and economic sustainability?
7. Are the existing scenic resources meeting or trending toward desired conditions for the scenic resources?
8. Is the recreation opportunity spectrum on the plan area supporting a sustainable set of recreation opportunities to meet current and future demands?

National Visitor Use Monitoring (NVUM) survey results may be used for visitor-related monitoring. Infrastructure (Infra) recreation site module may be used to monitor opportunities of recreation sites, facilities, and interpretive services.

The interpretive services component of this Infra module and the Forest Service program, NatureWatch, may be used collectively as the basis to monitor whether the plan provides opportunities to connect people to nature.

Coordinate monitoring with other agencies and partners that have relevant information and with monitoring programs that overlap with NFS units that may help meet the needs for land management plans.

32.13e - Climate Change and Other Stressors

The plan monitoring program must contain one or more monitoring questions and associated indicators to address the measurable changes on the plan area related to climate change and other stressors that may be affecting the plan area. This monitoring requirement may relate to other monitoring requirements or to interactions with other stressors that individually or collectively may be affecting the plan area. Interacting stressors may include fire, insects, invasive species, loss of spatial connectivity, disruption of natural disturbance regimes, geologic hazards, water withdrawals and diversions, changes in successional trajectories, and changes in human dimensions within the plan area, among others.

1. The responsible official may consider the following when developing monitoring questions and indicators to address potential impacts on the plan area:

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- a. Plan area vulnerabilities to projected climate changes and other associated stressors, especially those that are tied to the implementation of plan components.
 - b. Coordinating monitoring needs for the plan with the Agency climate change monitoring requirements.
 - c. Existing monitoring that addresses the status of stressors within the plan area, such as watershed condition monitoring, soil disturbance monitoring, and ongoing forest inventories, repeated over time, that detect changes in forest composition and structure.
 - d. Broader-scale monitoring strategies of the Forest Service and other agencies for climate data and monitoring impacts broader than the planning area. National monitoring programs, such as air monitoring and climate change research, can provide information and be incorporated into monitoring for the plan area.
 - e. Ecosystem characteristics that may change over time, such as a change in precipitation amount or timing, and be affected by stressors, such as insects, disease, fire, or changes in human dimensions within the plan area.
 - f. Identifying monitoring questions and indicators (combined with paragraph 5 of this section) capable of recognizing uncertainty and providing early warnings of ecosystem response to climate change or other stressors. Potential indicators include direct and indirect impacts of changes in natural disturbance regimes, including uncharacteristic drought, flooding, wind, and storm frequency, and severity. Indirect impacts may include insect outbreaks and wildfires in areas impacted by drought, or the spread of invasive species in areas where forest cover is lost due to flooding.
 - g. Selecting indicators of vegetative communities that are likely to be among the first affected by climate change, to help identify opportunities for managing their adaptation.
2. The responsible official has discretion to identify one or more monitoring questions, such as:
- a. What stressors are impacting the plan area?
 - b. How are trends in stressors affecting the plan area?
 - c. How are these stressors affecting progress towards achieving or maintaining the plan's desired conditions or objectives?
 - d. Are the plan components effectively designed to reduce or adapt to the various projected stressors?

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- e. Are there plan components that need to be changed to better respond to climate change and other stressors?

32.13f - Desired Conditions and Objectives

The plan monitoring program must contain one or more monitoring questions and associated indicators to monitor progress toward meeting desired conditions and objectives in the plan, including those that would provide for multiple use opportunities. The intent of this requirement is to monitor progress toward meeting desired conditions, objectives, or other plan components for multiple use management that are not covered by the other monitoring items listed in 36 CFR 219.12(a)(5).

32.13g - Productivity of the Land

The plan monitoring program must contain one or more monitoring questions and associated indicators to determine that the effect of each management system is not to substantially and permanently impair the productivity of the land (16 U.S.C. 1604(g)(3)(c)). To address this requirement, the responsible official should focus on key ecosystem characteristics in the plan area related to soils and soil productivity identified in the assessment and planning process. Productivity is defined as the capacity of NFS lands and their ecosystems to provide the various renewable resources in certain amounts in perpetuity. For the purposes of this subpart, productivity is an ecological term, not an economic term (36 CFR 219.19).

Many scientific studies have been published on effects of silvicultural practices on soil productivity. If research has shown the effect of current practices, there is no need for intensive soil monitoring. A possible monitoring question is whether the silvicultural practices on the plan area are considered appropriate based on existing scientific information?

The responsible official may consider the following when developing monitoring questions and establishing indicators with respect to the productivity of the land:

1. Soil quality monitoring that may include disturbance monitoring as well as measures of chemical and biological properties, and physical properties beyond soil disturbance. Soil quality monitoring guidance is found in FSM 2551.6, and soil disturbance monitoring protocols are described in General Technical Report (GTR) WO-82a.
2. Coordinating with research stations to obtain results from the Long-Term Soil Productivity Study for the region around the plan area, to the extent that results are available, to solicit input to the monitoring design and information related to organic matter/carbon loss and soil compaction.
3. Differentiating between resource management and climate change effects on soil productivity.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**32.2 - Documenting the Plan Monitoring Program**

The plan must include the monitoring questions and associated indicators for the plan monitoring program, including at least the items listed in 36 CFR 219.12(a)(5). The responsible official should summarize the reasons for selecting the monitoring questions and associated indicators in the planning record.

Any additional information for the plan monitoring program may be documented in a separate monitoring guide for the NFS unit, including:

1. The data to be collected for the indicators and the specific methods for data collection (protocols).
2. Information about the data to be collected, or metadata.
3. How the data are managed, analyzed, and evaluated to determine whether the plan components need to be changed.
4. Responsibilities for managing the monitoring program.
5. The schedule of monitoring and evaluation activities during the planning period.
6. Cooperators and their roles with respect to particular monitoring content.

An annual monitoring work plan may be used to identify the monitoring work, consistent with the monitoring guide, for each fiscal year, including the anticipated resources for carrying out the plan monitoring program.

32.3 - Transitioning to the Plan Monitoring Program

... Where a plan's monitoring program has been developed under the provisions of a prior planning regulation and the unit has not initiated plan revision under this part, the responsible official shall modify the plan monitoring program within 4 years of the effective date of this part, or as soon as practicable, to meet the requirements of this section. (36 CFR 219.12(c)(1))

The plan monitoring program must meet the requirements in 36 CFR 219 and be established by the responsible official in the unit's plan by May 9, 2016, or as soon as practicable. Units that have plans in revision under the 2012 planning rule may defer completion of this requirement until the plan revision is completed. Units that have not initiated plan revision during the 4-year transition period must have monitoring questions and associated indicators in place for the items listed in 36 CFR 219.12(a)(5). While developing the monitoring questions and indicators for the

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plan monitoring program, units must meet other related rule requirements, such as using the BASI, involving the public, and updating the planning record.

1. In transitioning to the plan monitoring program requirements in 36 CFR 219.12(a), the responsible official may consider:

- a. Coordinating across the Agency and with partners to develop consistent or complimentary monitoring approaches for the plan monitoring program.
- b. Assessing where current land management plans already include questions and associated indicators related to the items listed in 36 CFR 219.12(a)(5) for the plan monitoring program.
- c. Using broader-scale monitoring information where available, such as NVUM and FIA, to help develop efficient questions in the plan monitoring program.

2. In transitioning to the plan monitoring program requirements in 36 CFR 219.12(a), the responsible official should:

- a. Use an administrative change to establish the plan monitoring program after notice to the public of the intended monitoring program and consideration of public comment.
- b. Notify the public of the establishment of the plan monitoring program in any way the responsible official deems appropriate and at the same time notify the public of the expected date of the first biennial monitoring evaluation report (to be published no later than 2 years from date of the new monitoring program).

32.4 - Changing the Plan Monitoring Program

(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)).

(2) All other administrative changes may be made following public notice

(§ 219.16(c)(6)). (36 CFR 219.13)

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Administrative changes may be used to change the questions and associated indicators of a plan monitoring program that is established outside of the process for a plan. The responsible official must provide public notice of substantive changes made to the plan monitoring program.

A substantive change is a change to a monitoring question and associated indicator. A non-substantive change is a correction of clerical error. See chapter 20 of this handbook.

A change to a monitoring guide or annual action plan is not an administrative change of the plan and does not require public notification.

33 - BROADER-SCALE MONITORING STRATEGY

(b) *Broader-scale monitoring strategies.* (1) The regional forester shall develop a broader-scale monitoring strategy for plan monitoring questions that can best be answered at a geographic scale broader than one plan area.

(2) When developing a monitoring strategy, the regional forester shall coordinate with the relevant responsible officials, Forest Service State and Private Forestry and Research and Development, partners, and the public. Two or more regional foresters may jointly develop broader-scale monitoring strategies.

(3) Each regional forester shall ensure that the broader-scale monitoring strategy is within the financial and technical capabilities of the region and complements other ongoing monitoring efforts.

(4) Projects and activities may be carried out under plans developed, amended, or revised under this part before the regional forester has developed a broader-scale monitoring strategy. (36 CFR 219.12)

This section refers to broader-scale monitoring as it applies to land management plans.

The purpose of the broader-scale monitoring strategy is to answer plan monitoring questions that can best be answered at a geographic scale larger than one plan area. The regional forester is responsible for developing a broader-scale monitoring strategy for plan monitoring program questions that can be more efficiently answered by broader-scale monitoring on more than one plan area in their region. Two or more regional foresters may jointly develop a broader-scale monitoring strategy to cover more than one region.

The regional broader-scale monitoring strategy provides an overall strategy for broader-scale monitoring for planning in the region. A regional broader-scale monitoring strategy consists of a set of broader-scale monitoring sub-strategies or elements to answer specific monitoring questions for the appropriate plan areas in the region. Existing monitoring programs at the national and regional levels, such as NVUM and FIA, may be used to provide broader-scale

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monitoring elements. Elements of the broader-scale monitoring may vary substantially to reflect different levels of scope, scale and extent. For instance, a broader-scale monitoring element may focus on monitoring for a specific resource, program, issue, geographical area, or other topic.

33.1 - Developing the Broader-scale Monitoring Strategy

Regional foresters are encouraged to work together to achieve the appropriate scales for monitoring across the landscape to supply information for the plan monitoring program questions and indicators, in coordination with both internal and external partners. This effort includes coordinating with relevant responsible officials (including those in Forest Service State and Private Forestry and Research and Development), partners, and the public. It is also important to coordinate with other land managers to address broader-scale planning questions from NFS plan monitoring programs.

Broader-scale monitoring strategies should be developed to provide consistent and complementary information to support plan-level monitoring on the plan areas. Broader-scale monitoring should be developed where it is more efficient than plan-level monitoring to inform the management of resources, including testing relevant assumptions, tracking relevant changes, and measuring management effectiveness and progress toward achieving or maintaining desired conditions or objectives.

The process for developing a broader-scale monitoring strategy for land management planning is intended to be iterative, recognizing that it may not be possible for all of the elements of a broader-scale monitoring strategy to be developed at the same time. It is important for regions to coordinate and work together in developing broader-scale monitoring elements and strategies for land management plans where relevant and appropriate.

The process for developing a broader-scale monitoring strategy may include:

1. Determining how the public can participate in developing a broader-scale monitoring strategy.
2. Identifying the monitoring questions and associated indicators from the plan monitoring programs that are best addressed at a larger scale than a plan area.
3. Identifying which NFS units would be included at the appropriate scale(s), looking across regional boundaries where appropriate.
4. Looking at existing corporate databases, protocols, and monitoring efforts with internal and external partners or other efforts where data sets might be available to help determine how monitoring should be done to answer the relevant monitoring questions.

Exhibit 01, Examples for Developing Broader-scale Monitoring Elements, identifies possible approaches for developing broader-scale monitoring and examples of elements that could be

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placed in a regional broader-scale monitoring strategy. A broader-scale monitoring strategy could include elements developed through a combination of these approaches or others.

33.1 - Exhibit 01**Examples for Developing Broader-scale Monitoring Elements**

<u>Possible Approaches for Developing Broader-scale Monitoring</u>	<u>Examples of Broader-scale Monitoring Elements</u>
<p><u>Broader-scale monitoring developed from the national and regional level.</u> Regional foresters establish a broader-scale monitoring program for meeting national and regional priorities, which provides elements to address plan monitoring questions.</p>	<p>NVUM, Migratory Birds Survey, Threatened and Endangered species (northern spotted owl, red-cockaded woodpecker).</p>
<p><u>Broader-scale monitoring developed by the region, in conjunction with the forests.</u> The regional forester consults with the forest supervisors to identify needs for broader-scale monitoring for the relevant plan areas. The forest supervisors provide the plan monitoring questions, coordinating with the region to identify elements for the broader-scale monitoring strategy to help address these questions.</p>	<p>Regions 8 and 9 FIA vegetation intensified plot strategy based on cumulative information needs identified from forest monitoring questions and other local forest needs.</p>
<p><u>Broader-scale monitoring adopted from external partners.</u> Regional foresters adopt broader-scale monitoring programs or portions of programs developed by external partners to provide elements that address plan monitoring questions.</p>	<p>U.S. Geological Survey (USGS) National Streamflow Information Program (NSIP), EPA Class I Air Monitoring, USGS National Water Quality Assessment Program, County Noxious Weed Monitoring Programs, National Ecological Observatory Network.</p>

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<u>Possible Approaches for Developing Broader-scale Monitoring</u>	<u>Examples of Broader-scale Monitoring Elements</u>
<p><u>Broader-scale monitoring developed with partners and the public.</u> Regional foresters jointly develop a large landscape monitoring program with partners and the public to monitor keys issues across multiple plan areas.</p>	<p>The Pacific Northwest Region developed a broad-scale monitoring program to address several issues that are found across coastal and Cascade Range National Forests. These issues include trends in old forest habitat, trends in spotted owls and marbled murrelets, watershed health, and information and the distribution of a number of other lesser known plant and animal species. The monitoring program was collaboratively developed with substantial science input to develop rigorous protocols and methods for each major element of the program. Multiple Federal agencies including Bureau of Land Management, National Park Service, Fish and Wildlife Service, and National Marine Fisheries Service have been involved in the development, execution, and evaluation of the monitoring program.</p>

33.2 - Documenting the Broader-scale Monitoring Strategy

The regional forester should document the broader-scale monitoring strategy for the region. Documentation for a broader-scale monitoring strategy may include:

1. Identifying the appropriate monitoring questions and associated indicators for broader-scale monitoring for planning and the appropriate scale and units where these would apply;
2. Identifying the monitoring methods, protocols, and sample designs that are to be used across multiple plan areas (including corporate applications that are used to store data and conduct analysis);
3. Describing how the broader-scale monitoring is to be carried out;
4. Including a feedback mechanism to improve the efficiency and effectiveness of the broader-scale monitoring strategy, looking at the best available scientific information and opportunities to collaborate with partners and the public.

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The regional forester may provide a broader-scale monitoring evaluation report to summarize the findings from the broader-scale monitoring for the NFS units in the region to reference in the biennial monitoring evaluation report. A broader scale monitoring evaluation report is not required.

An evaluation of broader-scale monitoring information applicable to the plan area should be included in the biennial monitoring evaluation report for each NFS unit where relevant. See section 34 below.

34 - BIENNIAL EVALUATION OF THE MONITORING INFORMATION

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

(i) The first monitoring evaluation for a plan or plan revision developed in accordance with this subpart must be completed no later than 2 years from the effective date of plan decision.

(ii) Where the monitoring program developed under the provisions of a prior planning regulation has been modified to meet the requirements of paragraph (c)(2) of this section, the first monitoring evaluation must be completed no later than 2 years from the date the change takes effect.

(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)).

(2) The monitoring evaluation report must indicate whether or not a change to the plan, management activities, or the monitoring program, or a new assessment, may be warranted based on the new information. The monitoring evaluation report must be used to inform adaptive management of the plan area.

(3) The monitoring evaluation report may be incorporated into other planning documents if the responsible official has initiated a plan revision or relevant amendment.

(4) The monitoring evaluation report is not a decision document representing final Agency action, and is not subject to the objection provisions of subpart B. (36 CFR 219.12)

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The biennial evaluation refers to transforming monitoring data into information that the responsible official may consider to make changes to the plan, management activities, or plan monitoring program, or create a new assessment. At least biennially the responsible official must evaluate the monitoring information, with the intent of using adaptive management to change and improve the plan and the monitoring program as appropriate.

The biennial evaluation of monitoring data may only provide partial answers to some of the monitoring questions in the plan monitoring program. Individual biennial monitoring evaluation reports may be limited to a few plan components, as information that can be evaluated is available. The accumulation of biennial evaluation reports should build on the biennial monitoring evaluation reports that precede them to comprehensively evaluate achievement of the plans desired conditions and objectives. This includes monitoring results collected from both the plan-level and broader-scale for questions identified in the plan monitoring program.

Responsible officials shall issue a written report of the evaluation, inform interested parties about the availability of this report, and provide meaningful opportunities for participation in the review of the results. See section 43 of this Handbook. The biennial monitoring evaluation report only documents findings and is not a decision document.

Exhibit 01, Example of Possible Monitoring Evaluation Questions, identifies potential questions that may be used to evaluate the results of the monitoring information to see if there is a need for a change.

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34 - Exhibit 01

Example of Possible Monitoring Evaluation Questions

1. For all plan components.
 - a. Is there new information?
 - b. Are there changes in legal, regulatory, policy, or science that affect the desired conditions?
2. Desired Conditions.
 - a. Are the desired conditions still valid?
 - b. Are the desired conditions still achievable?
 - c. Are we making progress toward achieving desired conditions?
3. Objectives.
 - a. Are the objectives still valid to achieve the desired conditions?
 - b. Are the objectives being achieved? If not, what is preventing this?
 - c. Do the objectives need to be adjusted or changed to better achieve the desired conditions?
4. Standards and Guidelines.
 - a. Are the standards and guidelines still valid to achieve the desired conditions and objectives?
 - b. Do the standards and guidelines need to be adjusted or changed to better achieve the desired conditions and objectives?
 - c. Are additional standards or guidelines needed to address changing conditions or new threats?
5. Suitability of Lands for Uses or Activities.

Is the determination of suitable lands still valid for the uses or activities identified?
6. Management Areas, Geographic Areas, or Designated Areas.

Is there a need to adjust boundaries, plan components, or management for these areas?

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In preparing the monitoring report:

1. The responsible official shall review the results of the biennial evaluation and indicate if there is a need for change.
2. Based on the evaluation of the new information gathered through the plan monitoring program, including relevant information from the broader-scale monitoring strategy, the responsible official shall document one or more of the following findings in the biennial evaluation report:
 - a. A change may be needed to the plan;
 - b. A change may be needed to the management activities;
 - c. A change may be needed to the monitoring program;
 - d. An assessment may be needed; or
 - e. No amendment, revision, or administrative change is needed.
3. In the monitoring evaluation report, the responsible official may:
 - a. Briefly summarize the monitoring activities conducted;
 - b. Document the evaluation of new information obtained from the plan-level and broader-scale monitoring to answer the relevant monitoring and evaluation questions. Some evaluations may conclude that more monitoring data is needed;
 - c. Summarize new BASI for plan monitoring program questions. Indicate if there is no new information at this time.
 - d. Document how public participation has been involved in the monitoring effort if relevant.
 - e. Document rationale if monitoring has not been completed.
 - f. Document any findings for adaptive management.
 - g. Document any actions taken on findings and, or, conclusions from the previous biennial evaluation report, as relevant and appropriate.



FOREST SERVICE HANDBOOK
NATIONAL HEADQUARTERS (WO)
WASHINGTON, DC

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
 Title of Approving Official

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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.

New Document	1909.12_40	31 Pages
Superseded Document(s) by Issuance Number and Effective Date	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.

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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?
5. How can management be improved so that it is more effective? How can the information be used to change or improve the plan?

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

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

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

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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.
3. Other scientific information, including, expert opinion, panel consensus, inventories, or observational data.

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

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**(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.

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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.

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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.

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42.22 - Exhibit 01

Level of Review Factors

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

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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.
4. Public participation opportunities should be accessible to interested and potentially affected parties. Websites, e-mail, and video conferencing may be ideal for some

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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.**
- (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**

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

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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**43.1 - Exhibit 01****Levels of Participation and Engagement**

Level	Examples of Agency Activities and Tools
Collaborate	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.
Involve	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.
Consult	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.
Inform	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)

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

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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).

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;

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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,
4. At the beginning of the objection period for a new plan, amendment, or revision,

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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:

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- 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 opportunities that have occurred. Public feedback may specifically address how plan

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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).

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

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**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)).

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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:

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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).

See also CEQ's NEPA Handbook for requirements related to Cooperating Agencies (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.

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

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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 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

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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 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. . .**

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(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.

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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 when, where, and how the responsible official will provide

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**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.



FOREST SERVICE HANDBOOK NATIONAL HEADQUARTERS (WO) WASHINGTON, DC

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK

CHAPTER 50 – OBJECTION PROCESS

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
Title of Approving Official

Date Approved: mm/dd/yyyy

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.

New Document	1909.12_50	xx Pages
Superseded Document(s) by Issuance Number and Effective Date	1909.12_50 (Amendment 1909.12-2006-6, 01/31/2006)	xx Pages

Digest:

50 – Revises direction throughout the entire chapter. Reorganizes direction and changes captions throughout the chapter.

51.5 through 51.8 – Establishes codes, captions, and sets forth new direction on the objection process involving comments, resolution of objections, and maintaining records.

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The National Forest System (NFS) Land Management Planning Rule 36 CFR 219 subpart B establishes a process for members of the public to seek administrative review of plans, plan revisions, and plan amendments before their approval. This process is referred to as the objection process.

50.1 - Authority

The opportunity for objection is provided in 36 CFR 219, subpart B, with the exceptions noted in 36 CFR 219.51(a), (b), and (c).

50.2 - Objectives

The objectives of the objection process include the following:

1. Provides an individual or other entity the opportunity for an independent review and resolution of issues before the approval of a plan, plan revision, or plan amendment (36 CFR 219.50).
2. Allows objectors and the responsible official to continue to work collaboratively through objection issues before the plan is approved.
3. Allows others who have requested recognition as an interested person to participate in meetings between the Forest Service and objectors.
4. Gives a prompt response to objections.

50.4 - Responsibility**50.41 - Chief**

The Chief, or Associate Chief, serves as the reviewing officer for objections filed on a new plan, plan revision, or plan amendment for which a regional forester is the responsible official, and for objections or parts of objections specific to the identification of species of conservation concern (36 CFR 219.56(e), FSM 1921.04a). This authority may be delegated to an individual deputy chief or associate deputy chief, consistent with delegations of authority provided at FSM 1235.3 and FSM 1235.4.

For objections, or parts of objections, specific to the identification of species of conservation concern, the Chief may delegate the reviewing officer authority only to an individual deputy chief or associate deputy chief or to a regional forester other than the regional forester who made the identification.

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The Deputy Chief, National Forest System, has the authority and responsibility to approve agency-wide direction for implementing the objection process and for overseeing agency-wide compliance with the regulations and directives governing the objection process.

50.43 - Washington Office, Director, Ecosystem Management Coordination Staff

The Washington Office, Director, Ecosystem Management Coordination staff, is responsible for the following:

1. Developing and recommending agency-wide direction for implementing the objection process.
2. Providing training to regional office employees on how to conduct the objection process.
3. Coordinating reviews and resolution meetings and maintaining the official record for all objections filed with the Chief as reviewing officer at the Washington Office level.

50.44 - Regional Forester

Each regional forester is responsible for the following:

1. Overseeing region-wide implementation of the objection process.
2. Maintaining the official record of all objections filed in the region.
3. Serving as the reviewing officer for objections of plans, amendments, or revisions for which the forest, grassland, prairie, or other comparable administrative unit supervisor is the responsible official (FSM 1921.04b). This authority may be delegated to a subordinate deputy regional forester (consistent with FSM 1236.12) or, in the case of a plan amendment, to a line officer at the same administrative level as the responsible official (36 CFR 219.56(e)).
4. Serving as the reviewing officer for objections or parts of objections specific to the identification of species of conservation concern when this authority has been delegated by the Chief (36 CFR 219.56(e)(2)).
5. Ensuring that responses to the objection(s) are completed promptly.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**50.45 - Forest, Grassland, Prairie, or Other Comparable Administrative Unit Supervisor**

The forest, grassland, prairie, or other comparable administrative unit supervisor is responsible for:

1. Serving as the responsible official for the plan area.
2. Serving as the reviewing officer for objections of plan amendments for which another forest, grassland, prairie, or other comparable administrative unit supervisor is the responsible official, when so delegated by the regional forester (36 CFR 219.56(e) and FSM 1921.04b).

50.46 - Responsible Official

A responsible official is accountable for approving a plan, plan revision, or plan amendment, including:

1. Providing timely notices to the public, including notice of the period for filing an objection(s).
2. Assisting the reviewing officer with validating that objections meet eligibility and content requirements (sec. 51.43).
3. Participating in all meetings involving the reviewing officer, objectors, and interested persons.
4. Incorporating the reviewing officer's decision within the plan, plan revision, or plan amendment documents, as appropriate.
5. Keeping a record of all objection resolutions and integrating them with the plan, plan revision, or plan amendment documents, as appropriate.

50.47 - Reviewing Officer

The reviewing officer for the plan will do the following:

1. Receive all objections.
2. Convey objections or parts thereof relevant to the identification of species of conservation concern to the Chief, or to the line officer identified by the Chief as the reviewing officer, for objections or parts of objections related to identification of species of conservation concern.

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3. Review and consider valid and timely filed objections that meet the content requirements and dismisses objections that are not valid or timely.
4. Accept timely requests from interested persons to participate in objection resolution meetings.
5. Determine the appropriate means or techniques to seek to collaboratively resolve objection issues with the objector(s), a lead objector, any interested persons, and the responsible official, and, when such efforts are either successful or no longer moving towards success, proceeding to make a written response to the objection(s).
6. Promptly notify the objectors, interested persons, and the responsible official of the outcome on the objection with a written response.
7. Post objection responses to Forest Service website.
8. Maintain objection records.

The reviewing officer for the identification of the species of conservation concern:

1. Receives from the reviewing officer for the plan objections or parts thereof specific to the identification of the species of conservation concern for the plan area.
2. Follows steps 3 through 6 above.
3. Provide written response to the reviewing officer for the plan to address steps 7 through 8.

If the Chief or regional forester expects to delegate authority as the reviewing officer for any plan, plan amendment, or plan revision, the public must be notified no later than the public notice of the opportunity to comment.

50.6 - Exhibits

1. Exhibit 01. Exhibit 01 depicts the timeline for the objection process, from completing a plan, plan revision, or plan amendment to issuing the final plan decision.
2. Exhibit 02. Exhibit 02 depicts the decisionmaking process for determining which administrative review process is applicable to a planning action.
3. Exhibit 03. Exhibit 03 is a flowchart of the key steps in the objection process (36 CFR 219 subpart B) from the close of the objection filing period through the review and resolution of objections. The exhibit shows the path of a single objection, beginning with

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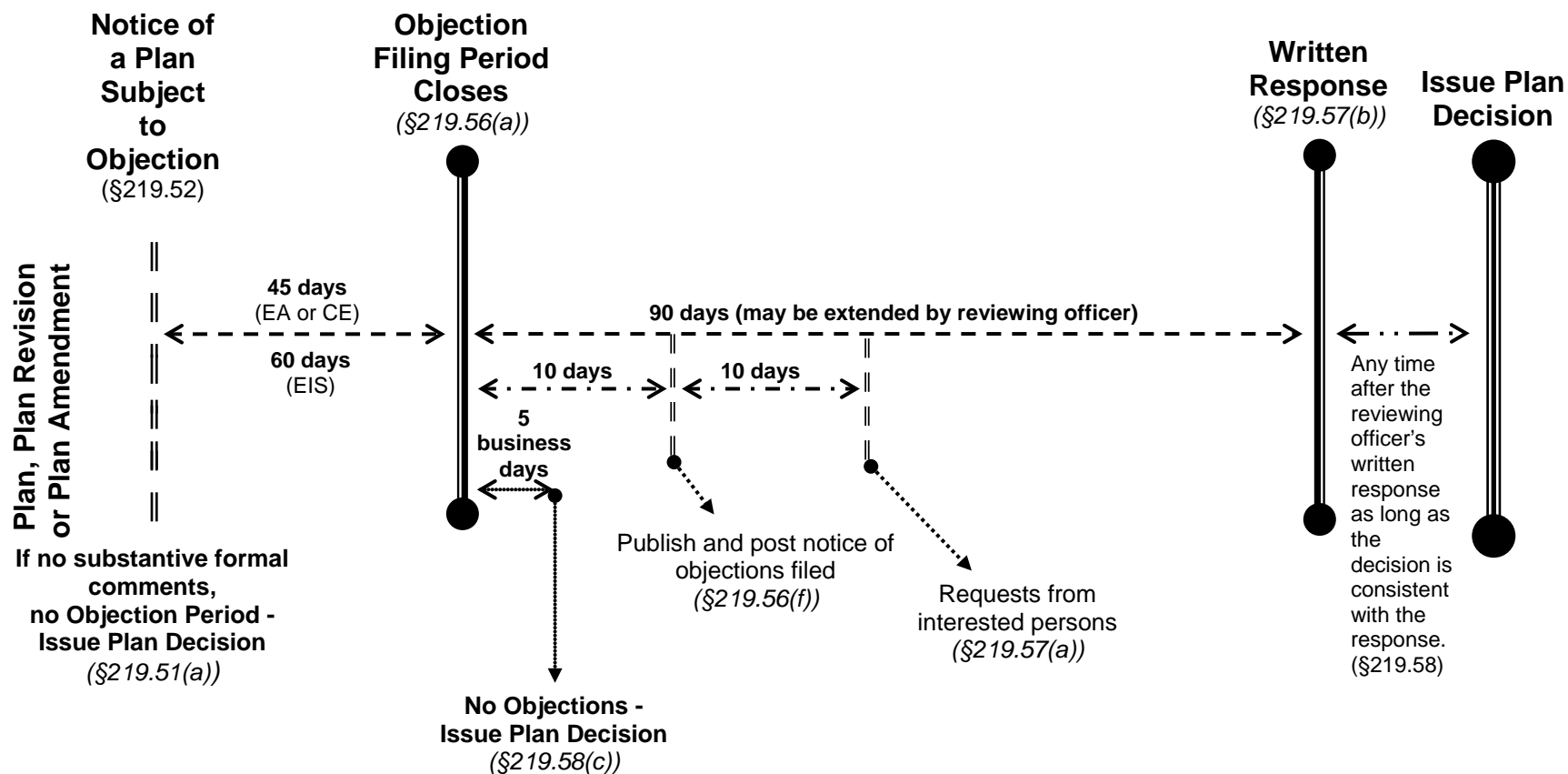
the filing of an objection (labeled “Start”). The diamonds contain questions to be answered yes or no, with corresponding arrows indicating the next step in the process.

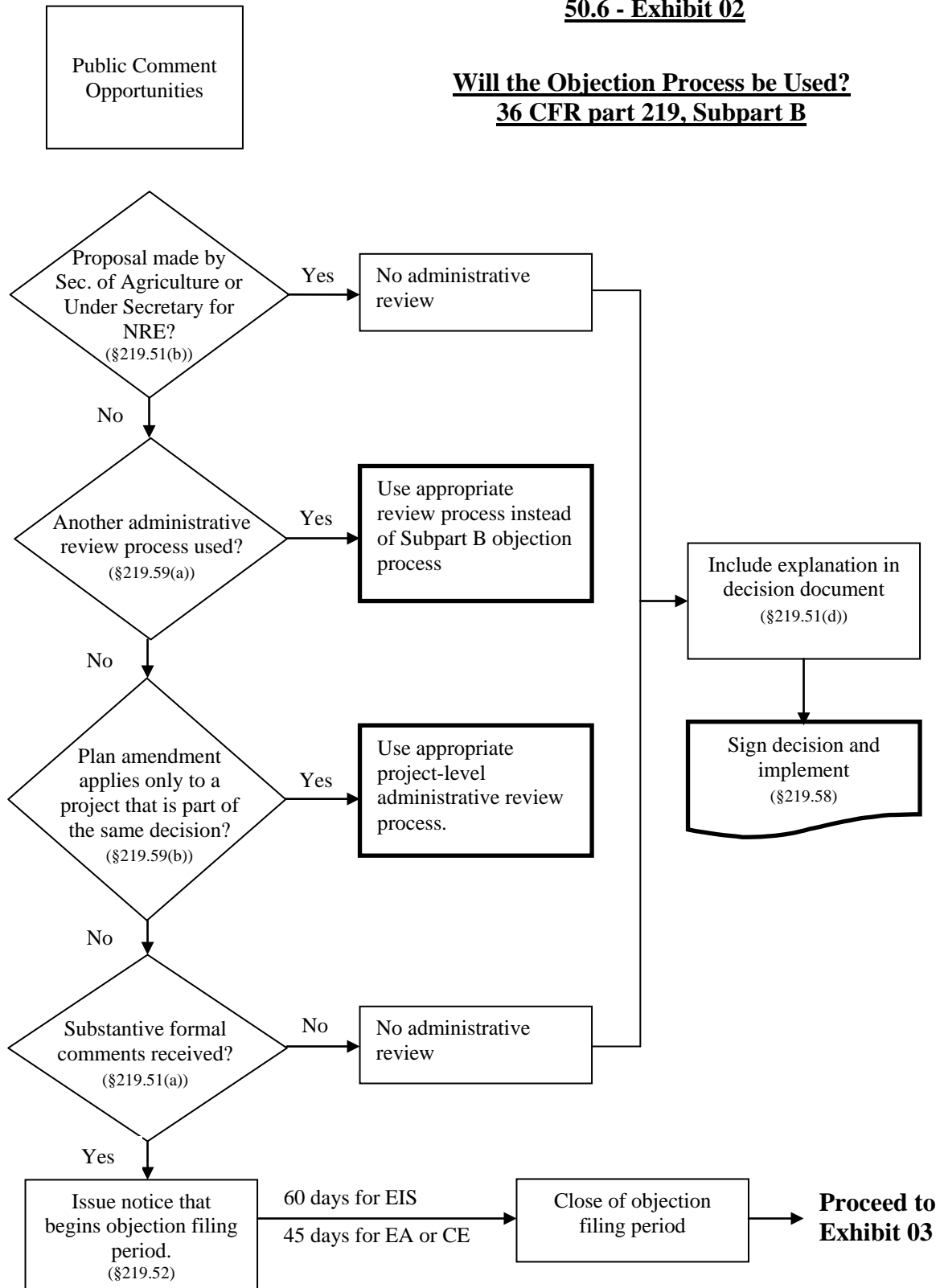
The term “set aside from review” is used in the following exhibits as well as in subsequent section of this chapter. The term comes directly from 36 CFR 219 subpart B, and means that the reviewing officer has considered the objection or individual issues from an objection and has determined that no further action beyond documentation is required.

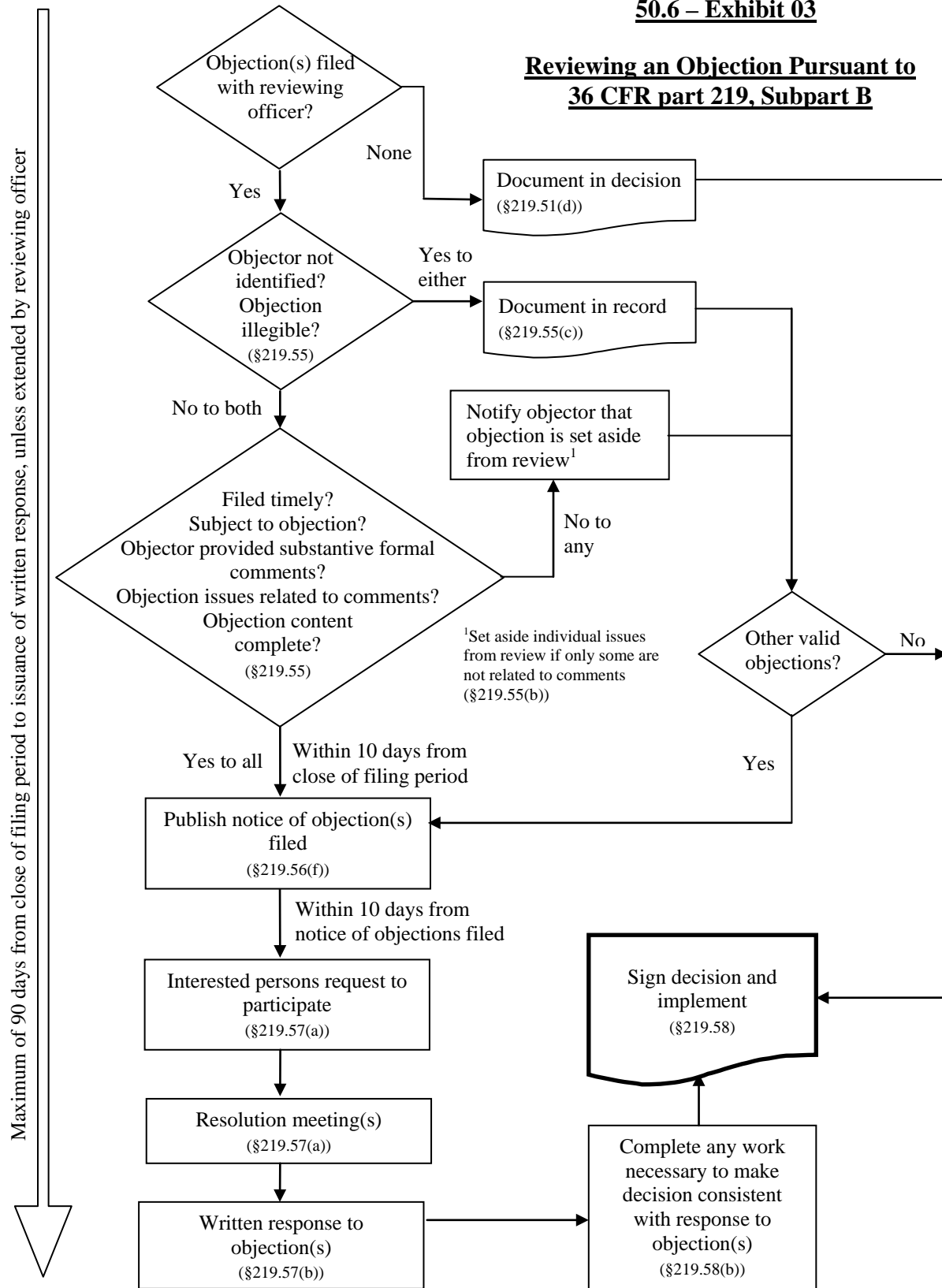
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50.6 - Exhibit 01

Timeline for Objections Pursuant to 36 CFR 219, subpart B



FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**50.6 - Exhibit 02****Will the Objection Process be Used?**
36 CFR part 219, Subpart B

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**50.6 – Exhibit 03****Reviewing an Objection Pursuant to
36 CFR part 219, Subpart B**

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**51 - OBJECTIONS**

The responsible official shall follow the procedures for objections before approving plans, plan revisions, or plan amendments (36 CFR 219, subpart B).

51.1 - Plans, Plan Revisions, and Plan Amendments Not Subject To Objection

A plan, plan revision, or plan amendment is not subject to objection when:

1. The responsible official receives no substantive formal comments during the opportunities for public comment (36 CFR 219.51(a)). In these instances there are no parties eligible to file an objection (36 CFR 219.53) and, therefore, no reason to provide an objection filing period;
2. The Secretary of Agriculture or Under Secretary for Natural Resources and Environment proposes a plan, plan revision, or plan amendment (36 CFR 219.51(b)); and
3. Another administrative review process is used consistent with 36 CFR 219.59 (36 CFR 219.51(c)). This regulation describes two circumstances where other administrative review processes may be used.
 - a. Where the Forest Service is a participant in a multi-Federal agency effort that would otherwise be subject to objection, the responsible official may waive the objection procedures and instead adopt the administrative review procedure of another participating Federal agency (36 CFR 219.59(a)). The administrative review procedures adopted should generally provide for a level of independent review commensurate with the objection procedures. The planning regulation at 36 CFR 219.59(a) also requires:

... As a condition of such a waiver, the responsible official for the Forest Service must have agreement with the responsible official of the other agency or agencies that a joint agency response will be provided to those who file for administrative review of the multi-agency effort. When such an agreement is reached, the responsible official for the Forest Service shall ensure public notice required in § 219.52 sets forth which administrative review procedure is to be used.
 - 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 administrative review process of 36 CFR 215 or 36 CFR 218, subpart A, applies instead of the objection process for plans (36 CFR 219.59(b)). Such amendments are

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generally in the form of a project-specific variance allowing the project to be consistent with the land management plan.

Conversely, when a plan amendment applies to all future projects or activities, the objection process for plans does apply, but only to the plan amendment decision. The review process of 36 CFR 215 or 36 CFR 218 would apply to the project or activity part of the decision (36 CFR 219.59(b)). Where this occurs, the responsible official will make clear in the documents themselves (that is, the draft decision) and in the notice of the opportunity to comment, the following:

- (1) Identify what part of the decision is subject to the objection process;
- (2) Identify what part of the decision is subject to other administrative review procedures and explain what those procedures are; and
- (3) Identify what part of the decision should be included in the objection process, and what part of the decision should be held for the project-specific process.

When a plan, plan revision, or plan amendment is not subject to objection, the responsible official shall include an explanation of why it is not subject to objection in the signed decision document (36 CFR 219.51(d)).

51.2 - Giving Notice

Requirements for giving notice of the beginning of an objection filing period for a plan, plan revision, or plan amendment are described at 36 CFR 219.16 and 219.52. Notices in the newspaper of record (or the Federal Register if the responsible official is the Chief) generally coincide with the Notice of Availability of a final environmental impact statement published in the Federal Register by the EPA under the requirements of the NEPA regulations. However, it is the publication date of the notice in the newspaper of record (or Federal Register if the responsible official is the Chief) that begins the objection filing period (36 CFR 219.52(c)(5)). Within three business days of the publication of notice in the applicable newspaper of record, a scanned copy of the notice with the associated publication date will be posted online at a minimum to the same website provided in the notice for all other related documents.

The responsible official shall provide the notice of the beginning of an objection period directly, through postal mail or email, to those who have requested the environmental documents or are eligible to file an objection (36 CFR 219.53).

See exhibit 01 for a sample notice of the beginning of an objection filing period.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**51.2 - Exhibit 01****Sample Notice**
Beginning An Objection Filing Period**Notice of Objection Filing Period****Name of [plan, plan amendment, plan revision]:****Name of responsible official:****Name of reviewing officer:****Time zone of reviewing officer:**

The Forest Service, XXX Region, XXX National Forest, has prepared a(n) [Environmental Impact Statement, Environmental Assessment, *or* Decision Memo] for [title of action and concise description of the revision or amendment]. The publication date of this notice [in this newspaper *or* the Federal Register] initiates a [45 *or* 60]-day period in which individuals or organizations with specific concerns may file an objection for an independent Forest Service review.

The environmental analysis document, other supporting documentation, and a draft of the [Record of Decision, Decision Notice and Finding of No Significant Impact, *or* Decision Memo] are available for review at [applicable Forest offices and website URL]. Additional information regarding this action can be obtained from [Name, Address, Phone, E-Mail address]. An electronic scan of the notice with the publication date will also be posted to the website. The publication date of the public notice of the beginning of the objection period of the [plan, plan revision, *or* plan amendment] in the [applicable newspaper of record *or* Federal Register] before approval (36 CFR 219.16 and 219.52) is the exclusive means for calculating the time to file an objection. Objectors must not rely on dates or timeframe information provided by any other source (36 CFR 219.56(b)(3)).

The objection process provides an opportunity for members of the public who have participated in opportunities for public participation provided throughout the planning process to have any unresolved concerns receive an independent review by the Forest Service prior to a final decision being made by the responsible official. Only those who provided substantive formal comments during opportunities for public comment are eligible to file an objection pursuant to regulations at 36 CFR 219 subpart B which defines substantive formal comments as:

Written comments submitted to, or oral comments recorded by, the responsible official or his designee during an opportunity for public participation provided during the planning process, and attributed to the

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individual or entity providing them. Comments are considered substantive when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider.

How to File an Objection

Mailed, emailed, faxed, and hand-delivered objections concerning this action will be accepted for [45 or 60] calendar days following the publication of this notice in the [newspaper of record or Federal Register]. The publication date is the exclusive means for calculating the objection filing period. Those wishing to object should not rely upon dates or timeframe information provided by any other source. It is the responsibility of the objector to ensure that the reviewing officer receives the objection in a timely manner. The regulations prohibit extending the length of the objection filing period.

Objections must be submitted to the reviewing officer at [Reviewing Officer Name, Title, and Addresses (street, postal, email, and fax)]. Objections or objection content specific to the identification of species of conservation concern will be forwarded to [SCC Identification Reviewing Officer Name, Title]. The office business hours for those submitting a hand-delivered objection are: [business hours] Monday through Friday, excluding Federal holidays. Electronic objections must be submitted in a commonly used format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc). In cases where no identifiable name is attached to an objection, a verification of identity will be requested confirming objection eligibility. If the objection is supported by documents, with the exceptions listed in 36 CFR 219.54(b), all documents must be provided with the objection; a bibliography is not sufficient.

At a minimum an objection must include the following (36 CFR 219.54(c)):

- (1) The objector's name and address along with a telephone number or email address if available;
- (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
- (3) Identification of the lead objector, when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector if requested;
- (4) The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the responsible official;
- (5) A statement of the issues and/or the parts of the plan, plan amendment, or plan revision to which the objection applies;

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- (6) A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If applicable, the objector should identify how the objector believes that the plan, plan amendment or plan revision is inconsistent with law, regulation, or policy; and
- (7) A statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment.

All objections are open to public inspection and will be posted to the Forest Service website.

51.3 - Computation of Time Periods

1. All time periods are computed using calendar days, including Saturdays, Sundays, and Federal holidays in the time zone of the reviewing officer. However, when the time period expires on a Saturday, Sunday, or Federal holiday, the time is extended to the end of the next Federal working day (11:59 p.m. for objections filed by electronic means such as e-mail or facsimile machine) (36 CFR 219.56).
2. The publication date of the public notice of the beginning of the objection period for the plan, plan revision, or plan amendment in the applicable newspaper of record (or the Federal Register, if the responsible official is the Chief) is the exclusive means for calculating the time to file an objection. (36 CFR 219.16 and 219.56). To avoid the possibility of providing an erroneous due date for filing, notices should not include a specific date, but rather should specify the number of days from the date the notice is published in which an objection must be filed. Planning regulations specify that objectors must not rely on dates or timeframe information provided by any other source (36 CFR 219.56(b)(3)).
3. The first day of the objection filing period is the day after publication of the public notice for a plan, plan revision, or plan amendment before approval, as required at 36 CFR 219.16 and 219.56(b)(2).

51.4 - Filing Objections**51.41 - Eligibility to File Objections**

Eligibility requirements for filing objections are described at 36 CFR 219.53. The burden is on the objector to demonstrate eligibility.

51.42 - Objection Filing Period

Depending on the type of environmental analysis document being prepared, the planning regulations at 36 CFR 219.56 requires different time periods to file an objection. When an

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environmental impact statement (EIS) is prepared the filing period is 60 days, beginning the day after the publication date of the public notice required at sections 219.16 and 219.52. For plan amendments where an EIS is not prepared, the filing period is 45 days, also beginning the day after the publication of the public notice. Time extensions for filing are not permitted, except as noted in section 51.3 of this Handbook.

51.43 - Validating Objections

The reviewing officer shall ensure that all objections meet the requirements of timeliness (36 CFR 219.56), authorship (36 CFR 219.54(c)(2)), eligibility (36 CFR 219.53), and content (36 CFR 219.54(c)). The responsible official should assist with validating that each objector meets the eligibility requirement and the content requirements (sec.51.43c). The reviewing officer and responsible official should expedite validation of objections to maximize the time available for issue discussion and resolution of objections. Objections that the reviewing officer cannot validate must be set aside from further review (sec. 51.5).

51.43a - Evidence of Timely Filing

Objections, including any attachments, must meet the timeliness requirements of 36 CFR 219.56(c) to be considered. When there is a question about timely submission of filing, timeliness must be determined as follows:

1. Hand-delivered objections must be time and date imprinted at the reviewing officer's office by the close of business on the last day of the objection filing period (45 or 60 calendar days following the publication date of the legal notice of the plan, plan revision, or plan amendment in the newspaper of record, pursuant to 36 CR 219.56; see also sec. 51.42). A receipt must be provided to the objector at that time.
2. Objections electronically mailed or objections sent by fax must have an electronically generated time and date showing that the objections were posted to the reviewing officer's electronic inbox or fax by 11:59 p.m. on the last day of the objection filing period (45 or 60 calendar days following the publication date of the legal notice of the plan, plan revision, or plan amendment in the newspaper of record, pursuant to 36 CFR 219.56; see also sec.51.42). If electronically mailed objections are received after the close of the filing period, the email header data must be retained in the objection record to document the posted date and time.
3. Objections mailed to the reviewing officer's office by the Postal Service must be postmarked by the Postal Service by 11:59 p.m. on the last day of the objection filing period (45 or 60 calendar days following the publication date of the legal notice of the plan, plan revision, or plan amendment in the newspaper of record, pursuant to 36 CFR 219.56; see also sec. 51.42).

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4. Objections delivered to the reviewing officer's office by express delivery service must be shipped by the express delivery service by 11:59 p.m. on the last day of the objection filing period (45 or 60 calendar days following the publication date of the legal notice of the plan, plan revision, or plan amendment in the newspaper of record, pursuant to 36 CFR 219.56; see also sec. 51.42).

The reviewing officer will provide written acknowledgement of receipt of the objection, if requested by the objector.

51.43b - Authorship and Eligibility

The responsible official shall confirm that parties submitting objections meet the eligibility requirements of 36 CFR 219.53. The reviewing officer should transmit a list of objectors electronically to the responsible official and the responsible official should respond in writing to the reviewing officer with the confirmations of eligibility.

If there is a question as to the authenticity of the objection, the reviewing officer should request other verification of authorship (36 CFR 219.54(c)(2)).

51.43c - Content Including Issues for Review

The reviewing officer shall confirm that objections meet the content requirements at 36 CFR 219.54(c). One of the content requirements is a statement that demonstrates the link between prior formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment (36 CFR 219.54(c)(7)). As part of the confirmation process, the reviewing officer should forward this statement from each objector to the responsible official for verification against the planning record. The responsible official should respond in writing to the reviewing officer with the confirmation that issues raised in objection are based on previously submitted substantive formal comments (36 CFR 219.53(a)).

The requirement at 36 CFR 219.54(c)(6) for a concise statement is satisfied if there is sufficient information to understand the reason for the objection. The objection need not be comprehensive, but should provide a basis for dialogue between the reviewing officer and the objector.

51.44 - Electronic Inboxes

The reviewing officer shall accept electronically mailed objections. The reviewing officer should use an e-mail address that provides an automated electronic acknowledgement from the agency to the objector as confirmation of date and time of receipt.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**51.5 - Objections Set Aside From Review**

The reviewing officer shall set aside and not review a filed objection when any of circumstances listed at 36 CFR 219.55(a) apply. When a reasonable means of contact is provided, the 36 219.55(c) requires:

(c) The reviewing officer shall give written notice to the objector and the responsible official when an objection or part of an objection is set aside from review and shall state the reasons for not reviewing the objection in whole or part. If the objection is set aside from review for reasons of illegibility or lack of a means of contact, the reasons must be documented in the planning record.

51.51 - Non-Substantive Comments

When an objector provides formal comments that the reviewing officer deems non-substantive, but that are otherwise consistent with the requirements at 36 CFR 219.53(a), the reviewing officer shall set aside the objection from review (36 CFR 219.55(a)(3) and 36 CFR 219.62). Per 36 CFR 219.62, comments are considered substantive when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider. A finding by the reviewing officer that formal comments were not substantive should be not be made lightly. When making such a finding, the reviewing officer shall document the reason for such a finding and provide written notice to the objector. The objection must be processed if the reviewing officer finds that the comment was substantive. Refer to FSM 1909.12, chapter 40, section 43.18 for further information on what constitutes a substantive comment.

51.52 - Issues Not Based on Previously Submitted Substantive Formal Comments

When the reviewing officer determines that none of the issues included in an objection are based on previously submitted substantive formal comments and none of the issues arose after the opportunities for formal comment, the reviewing officer shall set aside the objection from review (36 CFR 219.55(a)(4)). The reviewing officer's determination to set aside an objection based on this criteria shall be made with deference to the objector's statements defining the link between the objection and prior substantive formal comments. The objection must be processed if the reviewing officer finds that at least one issue included in the objection is based on previously submitted substantive formal comments or arose after the opportunities for formal comment; however, any other issues included in the objection that the reviewing officer finds are not based on previously submitted substantive formal comments and did not arise after the opportunities for formal comment must not be included in the review process.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**51.53 - Content Requirements for Objections**

The content requirements for objections are as follows:

- (c) At a minimum, an objection must include the following:**
 - (1) The objector's name and address (§ 219.62), along with a telephone number or email address if available;**
 - (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);**
 - (3) Identification of the lead objector, when multiple names are listed on an objection (§ 219.62). Verification of the identity of the lead objector if requested;**
 - (4) The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the responsible official;**
 - (5) A statement of the issues and/or the parts of the plan, plan amendment, or plan revision to which the objection applies;**
 - (6) A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If applicable, the objector should identify how the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy; and**
 - (7) A statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment (§ 219.53(a)). (36 CFR 219.54(c))**

Incomplete responses to items (5) through (7) make review of an objection difficult and are conditions under which the reviewing officer may set aside an objection pursuant to 36 CFR 219.55(a)(5). However, the reviewing officer can also choose to follow-up with the objector to obtain the missing content items.

51.6 - Resolution of Objections

An objection may be resolved in a variety of ways:

1. An objector may withdraw the objection or portion of the objection by writing to the reviewing officer prior to a written response to the objection.
2. Agreement on how to address the issues may be reached between the objector and the responsible official, with subsequent documentation of the withdrawal of all or a portion

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of the objection by letter to the reviewing officer from the objector prior to written response to the objection.

3. The responsible official, with consent of the reviewing officer, may decide that further analysis is needed. The responsible official shall send a letter to the objecting party(ies) by certified mail, return receipt requested, identifying the needed analysis.

4. The reviewing officer responds to the outstanding issues in the objection. The reviewing officer's response may include instructions to the responsible official as part of the disposition of the objection. The response must be sent to the objecting party(ies) by certified mail, return receipt requested, and posted online (see 36 CFR 219.57(b) and sec. 51.64).

51.61 - Lead Objectors

The planning rule at 36 CFR 219.54(c)(3) requires that an objection with multiple names identify a lead objector. When a lead objector is not identified, the reviewing officer should:

1. Validate the eligibility of each objector listed, and
2. Make a reasonable effort through follow-up contacts with one or more of the eligible objectors to have them identify a lead objector. If this effort is not successful, the reviewing officer should appoint the first eligible name listed as the lead objector. Subsequent correspondence with the lead objector selected by the reviewing officer shall explain the reviewing officer's selection of the lead objector.

The reviewing officer will primarily communicate and coordinate during the objection resolution process with the lead objector rather than the individuals the lead objector represents unless otherwise negotiated by the two parties.

51.62 - Timeframes for Resolving Objections

Following the close of the objection filing period, the reviewing officer shall issue a written response or otherwise resolve the objections within 90 days (36 CFR 219.56(g)). The reviewing officer may extend this time when it is determined necessary to provide adequate response to objections or to participate in discussions with the parties. This authority should be used judiciously so the objection process remains efficient. The reviewing officer should consider requests for extension of the resolution time from participants, and should consult with the responsible official, but is not obligated to grant the requests.

The reviewing officer shall notify all parties in writing of any extensions of the objection resolution period (36 CFR 219.56(g)).

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Within 10 days after close of the objection filing period, the responsible official shall publish a notice of all objections in the applicable newspaper of record and post the notice online (36 CFR 219.56(f)). The notices must include, at a minimum, the following information:

1. Name of the plan, plan revision, or plan amendment and the name and title of the responsible official and reviewing officer(s).
2. The name of the objector and affiliation, if any, for each objection filed.
3. Instructions on how to obtain a copy of any of the objections.
4. An explanation that those recognized by the reviewing officer as interested persons have an opportunity to participate in any objection resolution meetings.
5. Information regarding the deadline for requests to be recognized as an interested person (10 days after publication of the notice of objections filed in the newspaper of record).
6. Instructions on how to request recognition as an interested person, including the name, title, and contact information for the reviewing officer. Requests must include the name and affiliation, if any, of the individual; mailing address; phone number; email address for the requester; the name(s) of the objector(s) whose objections they have an interest in; and a brief explanation of their interest. Include a description of how a request stating an interest in an objection or part of an objection pertaining to the identification of species of conservation concern will be forwarded to that the reviewing officer for the identification of species of conservation concern.

Post all objections online at the Forest Service objections web page.

See exhibit 01 for a sample notice of objections filed.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**51.63 - Exhibit 01****Sample Notice of Objections Filed****Notice of Objection Filed****Name of project:****Name of reviewing officer:****Time zone of reviewing officer:**

The [Washington Office *or* XXX Region] of the Forest Service has received [X] objection[s] regarding the [land management plan, plan revision, *or* plan amendment] for the [XXX National Forest *or* Grassland]. The publication date of this notice in [this newspaper *or* the Federal Register] initiates a 10-day period during which individuals or organizations with a particular interest in resolution of the objection[s] may request to participate in any meetings between the objector[s] and the Forest Service.

The environmental analysis document, other supporting documentation, and a draft of the [Record of Decision, Decision Notice and Finding of No Significant Impact, *or* Decision Memo] were released by [Forest Supervisor *or* Regional Forester XXX], the responsible official for this plan, on [date]. These documents are available for review at [*list your website*] or by contacting the [Forest Supervisor's *or* Regional Forester's] office at [*Area code & phone number.*]

The following individuals and entities submitted valid and timely objections to the reviewing officer:

Jane Q. Public, individual

John Doe, representing [Named Non-Profit]

June Doe, representing [Named Company or Corporation]

[These or this] objection[s] may be viewed online at [*list your website*].

The objection process requirements at 36 CFR 219.57 allow those who request and are granted recognition as interested persons to participate in any resolution meetings between the objector and the Forest Service. The purpose of this opportunity is to better assure that efforts to resolve objections are conducted in an open and collaborative forum.

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Requesters must submit written requests for recognition as an interested person no later than 10 days from the date of this notice in the [newspaper of record] to: [*Reviewing Officer Name, Title, and Address (street, postal, email, and fax)*].

The office business hours for those submitting hand-delivered requests are [*business hours*] Monday through Friday, excluding Federal holidays.

Requests for recognition as an interested person must include the following information: name and affiliation, if any, of the individual; mailing address, phone number, and email address (if available) for the requester; the name(s) of the objector(s) whose objection the requester has an interest in, and; a brief explanation of the interest. Electronic requests must be submitted in a commonly used format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc). Based on the objection of interest the request will be considered by either the reviewing officer for the plan or the reviewing officer for the identification of the species of conservation concern.

51.64 - Resolution Meetings

Requirements regarding meetings to resolve objections are at 36 CFR 219.57(a). Either the reviewing officer or the objector may request a meeting to resolve the objection. If requested by an objector, a meeting will be scheduled. Objectors, interested persons, and the responsible official shall be notified of all scheduled meetings. The responsible official shall be a participant in all meetings (36 CFR 219.57(a)).

The reviewing officer is responsible for the conduct of the meetings. The reviewing officer shall allow objectors, interested persons, and the responsible official to participate in a constructive and appropriate manner. All meetings are open to observation by other members of the public. Consider the use of an outside meeting facilitator or moderator when the objection issues are particularly contentious or the number of participants is especially large.

Whenever possible, meetings should be face-to-face. Other options include teleconferences and video-teleconferences. When necessary, Forest Service facilities, other than the responsible official's or reviewing officer's office, may be used to accommodate participation by objectors, interested persons, or members of the public. Emphasis should always be placed on making meetings open, accessible, and transparent.

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Individual meetings may be structured to address some or all of the objection issues. Interested persons' participation should be limited to discussions of those issues or objections they specified when they submitted their request. Neither objectors nor interested persons may be permitted to introduce new issues into the discussion, unless those issues are directly related to resolutions proposed for issues raised in objection. This does not preclude presentation of additional documentation relevant to objection issues by the objectors, the reviewing officer, or the responsible official.

The reviewing officer has the discretion to determine the use of procedures, such as "alternative dispute resolution" methods, to resolve issues associated with the objection.

51.65 - Interested Persons

The reviewing officer must allow other interested persons to participate in such meetings. An interested person must file a request to participate in an objection within 10 days after publication of the notice of objection by the responsible official (§ 219.56(f)). . . .

(36 CFR 219.57)

As a more collaborative approach to conducting administrative reviews and addressing unresolved concerns, the objection process for planning includes the requirement to allow others who are interested in how objections are resolved to participate in meetings to resolve objections. These are termed "interested persons" and may include any other party not named in the objection.

The reviewing officer shall acknowledge and respond promptly to all requests to be given interested person status. Requests should generally be approved. If the request is denied, the response must include the explanation for the denial.

Once an individual or entity is recognized as an interested person, they shall receive notification of all meetings, including conference calls, concerning resolution of the objection(s) for which they indicated an interest, and shall be permitted to participate in those meetings or calls.

51.66 - Reviewing Officer Response to Objections

The reviewing officer shall issue a written response(s) to objections and provide such response to objectors, interested persons (sec. 51.62), and the responsible official. When appropriate, the response may provide instructions to the responsible official. In cases involving more than one objection, the reviewing officer may consolidate objections and issue one or more responses (36 CFR 219.57(b)). The response(s) must:

1. Refer to the plan, plan revision, or plan amendment subject to the objection.

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2. Identify issues withdrawn in whole or in part by the objector(s).
3. Provide the response on remaining issues and the basis for the response, including:
 - a. A finding of consistency of the plan with the law, regulation, or policy, or, if inconsistent with specific law, regulation, or policy, stipulate the corrections needed to make it consistent.
 - b. A determination on the issues of disagreement with the plan, amendment, or revision submitted in the objection.

51.7 - Maintaining Objection Records

The objection record for the plan, plan revision, or plan amendment must include:

1. The legal notice of the beginning of the objection period on the plan, plan revision, or plan amendment.
2. A list of the participants in the objection process, including any meetings or negotiations.
3. The objection(s) filed, including those dismissed and the reasons for dismissal.
4. Correspondence between objectors, interested persons, reviewing officers, and responsible officials about objections to the plan, plan revision, or plan amendment.
5. The response to the objection(s).

51.8 - Timing of Plan Approvals and Implementation

Following the objection process, the responsible official may approve the plan, plan revision, or plan amendment. Approval must be in accordance with 36 CFR 219.14.

The responsible official may approve a plan, plan revision, or plan amendment after:

1. The reviewing officer has responded to all objections (including dismissals) in writing, and
2. The responsible official has made corrections or changes stipulated in the reviewing officer's response to the objection.

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FOREST SERVICE HANDBOOK NATIONAL HEADQUARTERS (WO) WASHINGTON, DC

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 60 - FOREST VEGETATION RESOURCE PLANNING

Directive No.: The Directive Manager completes this field.

Effective Date: The Directive Manager completes this field.

Duration: This directive expires on mm/dd/yyyy.

Approved: NAME OF APPROVING OFFICIAL
Title of Approving Official

Date Approved: mm/dd/yyyy

Posting Instructions: Directives are numbered consecutively by Handbook number and calendar year. Post by document at the end of the chapter. Retain this transmittal as the first page(s) of this document. The last directive was 1909.12-xxxx-x-x to chapter 60.

New Document	1909.12_60	xx Pages
Superseded Document(s) by Issuance Number and Effective Date	Amendment 1909.12-2006-7, 1/31/2006, 1909.12_60	34 Pages

Digest:

60 – Revises chapter in its entirety.

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This chapter provides procedural direction for the evaluation of timber and forest vegetation resources and the development of plan components in forest, grassland, and prairie, or other comparable administrative unit plans. This handbook provides guidance in a sequence that follows 36 CFR 219.11 and includes:

1. Identification of lands as not suited and suited for timber production.
2. Timber harvest for purposes of timber production
3. Timber harvest for purposes other than timber production
4. Limitations on timber harvest.
5. Proposed and possible actions including planned timber sale program, expected timber harvest levels, and probable methods of forest vegetation management practices.

60.1 - Authority

The following law and regulation set forth the requirements for Forest Service planning:

Renewable Resource Planning Act of 1974 as amended by the National Forest Management Act of 1976, 16 U.S.C. 1600 et seq. This act as amended sets forth the requirements for plans (for the National Forest System). See FSM 1920 for specific requirements.

Title 36, Code of Federal Regulations, Part 219—Planning, Subpart A—National Forest System Land Management Planning (36 CFR part 219), published in the Federal Register on April 9, 2012 (77 FR 21162). This regulation provides direction on land management planning procedures on National Forest System (NFS) lands.

60.3 - Policy

Harvest of timber on NFS lands occurs for many different reasons, including ecological restoration, community protection in wildland urban interfaces, habitat restoration, protection of municipal water supplies, and to contribute to economic sustainability through the production of timber, pulp for paper, specialty woods for furniture, and fuel as a renewable energy source. Timber harvest, whether for wood production, restoration, or other reasons supports local employment and provides payments by way of 25-percent payments (Payments to States) in many counties throughout the country.

Use this chapter in concert with Title 36, Code of Federal Regulations, part 219 (36 CFR part 219), the National Forest Management Act Title 16 U.S.C. sections 1604 and 1611, FSM 1900, and FSM 1920 (NFMA). Timber resource planning objectives, policies, and responsibilities are found in FSM 2410. Guidance on the development of plan components for vegetation is found throughout Chapter 20 of FSH 1909.12 and specifically for timber in section 27.22f.

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This chapter provides guidance for developing land management plans, rather than guidance for individual projects. All projects and activities must be consistent with applicable plan components.

Compile all data consistent with the reporting requirements of the official Forest Service applications, the Timber Information Manager (TIM) and the Forest Service Activity Tracking System (FACTS), to report timber resource activities and timber sale accomplishment.

60.5 - Definitions

Culmination of mean annual increment of growth. See Mean Annual Increment of growth.

Even-aged stand. A stand of trees composed of a single age class (36 CFR 219.19).

Even-aged system. A planned sequence of treatments designed to maintain and regenerate a stand with predominantly one age class. The range of tree ages is usually less than 20 percent of the rotation. Treatments include clearcutting, seed-tree, shelterwood, and coppice regeneration methods.

Final regeneration harvest. Timber harvest designed to regenerate a timber stand or release a regenerated stand. A final regeneration harvest could be a clearcut, removal cut of a shelterwood or seed tree system, or selection cut.

Forest land. Land that is 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. Land developed for non-forest use includes areas for agricultural crops, improved pasture, residential or administrative areas, roads of any width and adjoining road clearing, and powerline clearing of any width (36 CFR 219.19).

Fuelwood. Wood used for conversion to some form of energy.

Growing stock. All trees growing in a forest or in a specified part of it, usually commercial species, meeting specified standards of size, quality and vigor, and generally expressed in terms of number or volume.

Land that may be suitable for timber production. A preliminary classification in the process of determining lands that are suited for timber production. It excludes NFS lands that have been classified as not-suitable for timber production based on the factors identified in 36 CFR 219.11 (a)(1)(i, ii, iv, v and vi) and precedes evaluation of CFR219.11 (a)(iii) which identifies suitability based on objectives and desired conditions established by the plan for those lands.

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Long-term sustained-yield capacity (LTSYC). The LTSYC is the amount “which can be removed from [a] forest annually in perpetuity on a sustained-yield basis” described in 36 CFR 219.11(d)(6).

Mean annual increment and culmination of mean annual increment of growth. The 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. The culmination of mean annual increment (CMAI) 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, the mean annual increment of growth is expressed in cubic measure and is based on the expected growth of stands, according to intensities and utilization guidelines in the plan (36 CFR 219.19).

Non-forest Land. Lands that do not meet the definition of forest land.

Planning Horizon. The overall time period that spans all activities covered in the analysis or plan and all future conditions and effects of proposed actions that would influence the planning decisions. The planning horizon for analysis purposes indicates the length of time needed to achieve desired conditions.

Planned Sale Quantity (PSQ). The portion of the Timber Sale Program Quantity (TSPQ) that is the quantity of timber planned for sale that meets applicable utilization standards. The PSQ is used to evaluate the relationship between the planned timber sale program and the long term sustained yield capacity. Like the TSPQ, the PSQ includes volume from timber harvest for any purpose from all lands in the plan area and is consistent with the plan components. The PSQ is based on the fiscal capability and organizational capacity to achieve the desired conditions and objectives in the plan for the plan period.

Restocked. The condition to be achieved after a disturbance that has substantially altered the existing stocking. “Adequately restocked” indicates a minimum stocking level to be achieved consistent with the desired conditions and objectives of an area including those for ecological integrity.

Rotation. The number of years (including the regeneration period) required to establish and grow timber under even-aged management system to a specified condition or maturity for regeneration harvest.

Salvage harvest. The removal of dead trees or trees damaged or dying because of injurious agents other than competition, to recover economic value that would otherwise be lost.

Stand. A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit, such as mixed, pure, even-aged, and uneven-aged stands.

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Stocking. An indication of growing space occupancy relative to a pre-established objective based on plan defined desired conditions for the stand or area. Common indices of stocking include the number of trees by size and spacing, percent occupancy, basal area, relative density or crown completion factor.

Suitability of lands. Specific lands within a plan area are identified as suited for various multiple uses or activities based on the desired conditions applicable to those lands. The plan will also identify lands within the plan area as not suited for uses or activities that are not compatible with desired conditions for those lands (36 CFR 219.7(e)(1)(v)). The terms suitable and not suitable can be considered the same as suited or not suited respectively.

Timber harvest. The removal of trees for wood fiber use and other multiple-use purposes (36 CFR 219.19).

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 (36 CFR 219.19).

Timber sale program quantity (TSPQ). The estimated output of timber and all other wood products from the plan area displayed as an average annual cubic foot number for a decade. The TSPQ includes volume that meets utilization standards (Planned Sale Quantity) such as sawtimber, pulpwood or other material commonly sold as well as other woody material such as fuelwood, firewood or other woody material that is also expected to be available during the plan period. The TSPQ includes volume from timber harvest for any purpose from all lands in the plan area and is consistent with the plan components. The TSPQ is based on fiscal capability and organizational capacity to achieve the desired conditions and objectives in the plan for the plan period.

Two-Aged System. A planned sequence of treatments designed to regenerate or maintain a stand with two age classes. Cuts in two-aged systems are a form of even-aged management.

Uneven-aged Stand. A stand of trees of three or more distinct age classes, either intimately mixed or in groups.

Uneven-aged system. A planned sequence of treatments designed to regenerate or maintain a stand with three or more age classes. Treatments include single-tree selection, and group selection regeneration methods.

Utilization standards. Utilization standards are specifications for merchantable forest products offered in a timber sale. Utilization standards identify timber that is included in the long term sustained yield capacity and planned sale quantity.

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1. FSM 1900 – Planning. Provides the foundation for all planning in the Forest Service and addresses long-term and short-term strategic, tactical, and project planning to ensure integration and coordination at all levels and within all organizational units.
2. FSM 1920 – Land Management Planning. Provides for integrated resource planning through development, amendment, and as appropriate, revision of land management plans, hereinafter referred to as plans.

61 - IDENTIFICATION OF LANDS AS NOT SUITABLE AND SUITABLE FOR TIMBER PRODUCTION

The general requirement of the rule regarding the suitability of lands for a use or uses is at section 219.7 (c) of the rule:

(2) In developing a proposed new plan or proposed plan revision, the responsible official shall . . .

(viii) Identify the suitability of areas for the appropriate integration of resource management and uses, with respect to the requirements for plan components of §§ 219.8 through 219.11, including identifying lands which are not suitable for timber production.

When the responsible official develops or revises a land management plan the responsible official shall review lands within the plan area to identify their suitability for timber production. For a plan amendment, the responsible official may conduct a review of lands suitable for timber production if relevant to the issues of the amendment. The results of this review should be summarized in a table based on section 61, exhibit 01, in the plan or an appendix to the plan.

Identifying lands in the plan area as suited or not suited for timber production requires a specific process set out in the subsections of this section.

61.1 - Lands Not Suited for Timber Production

Section 219.11 (a)(1) of the planning rule lists six factors to be used to identify lands in the plan area that are not suited for timber production. This section presents the planning rule factors, and next to each a cross-reference to the subsection of this section that contains more detail on the factor.

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(a) *Lands not suited for timber production.* (1) The responsible official shall identify lands within the plan area as not suited for timber production if any one of the following factors applies:

i. Statute, Executive order, or regulation prohibits timber production on the land; (sec. 61.11)

ii. The Secretary of Agriculture or the Chief of the Forest Service has withdrawn the land from timber production; (sec. 61.11)

iii. Timber production would not be compatible with the achievement of desired conditions and objectives established by the plan for those lands; (see sec.61.12)

iv. The technology is not currently available for conducting timber harvest without causing irreversible damage to soil, slope, or other watershed conditions; (see sec. 61.13)

v. There is no reasonable assurance that such lands can be adequately restocked within 5 years after final regeneration harvest; or (see sec. 61.14)

vi. The land is not forest land. (see sec. 61.15)

To identify lands not suited for timber production, the following two-step process should be used:

1. Identify lands that are not suited for timber production based on legal and technical factors i, ii, iv, v and vi, further described in 61.11, 61.13-15. The remaining lands that are not removed at this step are lands that may be suited for timber production.
2. From the lands that may be suited for timber production, identify the lands that are suited for timber production based on their compatibility with the land area's desired conditions and objectives (sec. 61.2). After lands suited for timber production have been identified, the remaining lands that may be suited for timber production are identified as not suited for timber production since timber production is not compatible with the land area's desired conditions and objectives (36 CFR 219.11(a)(1)(iii)).

The plan must identify the lands that are suited and not suited for timber production using an exhibit as shown in exhibit 01. Keep details on the criteria used, methods, and lands identified in the planning record and summarize this information in an appendix to the environmental impact statement or appropriate environmental documentation for a plan amendment. Information developed in the planning process on lands suited and not suited for timber production should be

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developed with sufficient detail in the planning record to be compatible with the national land suitability classification system for timber production.

61.11 – Lands on which Timber Production is Prohibited or Withdrawn

Timber production may be prohibited on certain lands by statute, Executive order, or regulation, or where the Secretary of Agriculture or the Chief of the Forest Service has withdrawn the land from timber production (see 36 CFR 219.11(a)(1)(i-ii) and FSM 1921.12). Examples include units of the National Wilderness Preservation System, research natural areas, and other designated areas (see 36 CFR 219.19 and FSH 1909.12, ch. 20) where timber production is specifically prohibited. Identify these lands as lands not suited for timber production.

61.12 – Lands on which Timber Production is Not Compatible with the Achievement of Desired Conditions and Objectives

The responsible official shall review the desired conditions and other plan components, including those developed in accordance with 36 CFR 219.8-10 and FSH 1909.20, for lands that may be suitable for timber production. If timber production would not be compatible with one or more desired conditions or other plan components, then those lands are not suitable for timber production. See section 61.2 for further discussion on lands suitable for timber production.

61.13 – Lands on which Technology to Harvest Timber is Not Currently Available without Causing Irreversible Damage

The responsible official should develop criteria to identify lands that are not suited for timber production because technology to harvest timber without causing irreversible damage is not currently available. Relevant information such as soil maps, geological maps, and remote sensing products as well as information from the Terrestrial Ecological Unit Inventory (TEUI) or the Soil Resource Inventory (FSM 2550), may be used to assess soil vulnerability to physical, chemical, and biological damage. The information can be used to determine where it is not possible to carry out timber harvest activities without irreversible resource damage to soil, slope, or other watershed conditions.

61.14 – Lands on which There is No Reasonable Assurance that Lands can be Adequately Restocked within Five Years of Final Regeneration Harvest

The responsible official should identify criteria for what constitutes adequate restocking after final regeneration harvests to identify lands not suited for timber production. The responsible official should identify lands, which would not have a reasonable assurance of achieving such adequate restocking.

The responsible official should base the criteria for adequately restocked stands, and reasonable assurance of achieving this adequately restocked condition, on existing technology and knowledge. Best available scientific information and professional experience provide the basis

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for determining whether the practices that could be used on the land are likely to achieve adequate restocking of the area. Reasonable assurance applies to average and foreseeable conditions for the area and does not constitute a guarantee that reforestation would be successful. Relevant information such as most recent soil maps, geological maps, TEUI and monitoring results may be used to identify lands within the planning area where there is no reasonable assurance that the land can be adequately restocked within five years after final regeneration harvest.

61.15 - Land that is Not Forest Land

The responsible official should identify non-forest lands within the plan area. Non-forest lands are those lands that do not meet the definition of forest land. These lands are less than 10 percent occupied by forest trees of any size or that formerly had such tree cover and is currently developed for non-forest uses. Land developed for non-forest use includes areas for agricultural crops, improved pasture, residential or administrative areas, improved roads of any width and adjoining road clearing, and powerline clearing of any width (36 CFR 219.19). Lands that were formerly occupied by tree cover, but that do not presently have tree cover, should be identified as nonforest unless the land will be naturally or artificially regenerated into forest cover in the future. Mapping should be consistent with regional mapping standards. Canopy cover of live forest trees at maturity occupying an area may be used to estimate if an area is at least 10 percent occupied by forest trees (FSM 1905). For mapping purposes or calculating land area, unimproved roads, trails, intermittent or small perennial streams, and clearings in forest areas may be included as forest land if they are less than 120 feet in width.

61.2 - Lands Suited for Timber Production and Display of Suitability of Lands for Timber Production.

After the step one identification of lands that may be suitable for timber production (sec. 61.1), the second step is to determine which of these lands are suited for timber production based on compatibility with desired conditions and objectives. In this determination, consider timber production to be compatible with the desired conditions and objectives of the plan, if all five of the following criteria apply:

1. Timber production is a primary or secondary use of the land.
2. Timber production is anticipated after desired conditions have been achieved.
3. A flow of timber can be planned and scheduled on a reasonably predictable basis.
4. Regeneration of the stand is intended.
5. Timber production is compatible with the other desired conditions or objectives for the land designed to fulfill the requirements of 36 CFR 219.8-10.

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If any of these criteria do not apply to the land, then timber production is not compatible with the desired conditions and objectives, and the land should be identified as not suited for timber production.

Exhibit 01 is a display that should be used to show a tally of the lands suited and not suited for timber production. Responsible officials may show a further breakdown of suitability classifications within this table.

61 - Exhibit 01
Timber Production Suitability Classification

Land Classification Category	Acres
1. Total National Forest System lands	1,000,000
2. Lands not suited for timber production due to legal availability or technical considerations (sections 61.11, 61.13, 61.14, and 61.15).	350,000
3. Lands that may be suited for timber production (line 1 minus line 2)	650,000
4. Lands suited for timber production (sec. 62.2).	400,000
5. Lands not suited for timber production because timber production is not compatible with the desired conditions and objectives established by the plan (sec. 61.12) (line 3 minus line 4)	250,000
6. Total lands not suited for timber production (sec. 61.1). (line 2 plus line 5)	600,000

Land identified as not suited for timber production in row 2, should not also be included in row 5.

61.3 - Review of Lands Not Suited for Timber Production.

The responsible official shall review lands identified in the plan as not suited for timber production at least once every 10 years 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 if warranted by changed conditions. (36 CFR 219.11 (a)(2))

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The responsible official should determine the nature of this review. If the results of the review would lead to a change in the amount or location of lands suitable for timber production, the responsible official will determine the appropriate mechanism to change the plan.

62 - PLAN COMPONENTS FOR LANDS SUITABLE FOR TIMBER PRODUCTION

A plan that identifies lands as suitable for timber production must include plan components, including standards or guidelines, to guide timber harvest for timber production or other multiple use purposes on such lands. (36 CFR 219.11 (b))

The need for plan components to guide timber harvest on lands suitable for timber production will primarily be driven by the desired conditions, objectives and other plan components developed to meet the requirements of 36 CFR 219.8 – 219.10 and FSH 1909.12, chapter 20, or by information provided through public and governmental participation. Plan components, including standards or guidelines that guide timber harvest activity, must at a minimum include the limitations on timber harvest as described in section 64 (36 CFR 219.11(d)). On lands suitable for timber production, plan components may apply to all timber harvest including harvest for timber production or for multiple use; or plan components may apply separately to these harvests, as appropriate to each purpose. Plan components related to harvest in order to protect other multiple use values may apply to both lands suitable for timber production and lands that are not suitable for timber production, where appropriate (sec. 63).

63 - PLAN COMPONENTS FOR TIMBER HARVEST FOR PURPOSES OTHER THAN TIMBER PRODUCTION

Plans that anticipate situations where timber harvest may be used as a tool for purposes other than timber production should provide appropriate plan components that allow and control the application of such timber harvest. Such plan components must identify the lands to which they apply. These lands may be forest types, management or geographic areas, lands suited or not suited for timber production, or other criteria. On the lands that are not suited for timber production, plan components can only allow timber harvest to occur in order to protect other multiple use values and for salvage, sanitation or public health or safety, as provided by the rule at 36 CFR 219.11(c):

(c) Timber harvest for purposes other than timber production. Except as provided in paragraph (d) of this section, the plan may include plan components to allow for timber harvest for purposes other than timber production throughout the plan areas, or portions of the plan areas, as a tool to assist in achieving or maintaining one or more applicable desired conditions or objectives of the plan in order to protect other multiple-use values, and for salvage, sanitation, or public health or safety. Examples of using timber harvest to protect

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other multiple use values may include improving wildlife or fish habitat, thinning to reduce fire risk, or restoring meadow or savanna ecosystems where trees have invaded. (36 CFR 219.11)

It is important to identify appropriate plan components that establish the reasons for timber harvest for purposes other than timber production, especially for lands not suited for timber production. Desired conditions describe the conditions that the harvest is intended to achieve. Objectives identify the desired rate of progress in achieving desired conditions and provide a basis for timber harvest activities. The term “suitability of lands” clarifies the types of timber harvest activities allowed or not allowed on certain lands to achieve desired conditions. Standards and guidelines provide guidance to ensure that these activities are consistent with achieving the desired conditions of the plan and other requirements of the planning rule.

64 - LIMITATIONS ON TIMBER HARVEST.

The timber requirements at 36 CFR 219.11(d)(1-7) requires that plans must have plan components for limitations on timber harvest, regardless of the purpose of the harvest:

Whether timber harvest would be for the purposes of timber production or other purposes, plan components, including standards or guidelines must ensure the following. . .

Sections 64.1 to 64.7 describe the methods for plans to address each of the seven requirements in 36 CFR 219.11(d) and contain the full planning rule text of each requirement. The requirements are based on both the planning rule and NFMA. Requirement § 219.11(d)(5), references two sections of NFMA that reference nine other requirements.

Because these requirements overlap, in exhibit 01 the table is provided to summarize each requirement and indicate within this chapter where appropriate guidance is to be found on how plans can meet the requirement. The table is organized in three sections for requirements applicable to all timber harvest, requirements applicable to only even-aged timber harvest, and the limitation on volume that can be sold. Exhibit 01 also references the sections of United States Code that contain the NFMA requirement and the sections of the planning rule related to the requirement. Section 64 of this chapter covers each of these requirements in the same sequence as the planning rule. If a NFMA requirement and a rule requirement overlap, only one subsection provides guidance and the other section provides a cross reference.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**64 - Exhibit 01****Reference Table for required plan components that limit timber harvest**

Ch. 60 Section	Requirement Summary	Section of U.S. Code	Section of 219.11
	Requirements for all timber harvest		
64.1	No harvest for purposes of timber production on lands not suited for timber production.	1604 (k)	(d)(1)
64.2	Timber harvest would occur only where soil, slope, or watershed conditions would not be irreversibly damaged.	1604 (g)(3)(E)(i)	(d)(2)
64.3	Timber harvest would be carried out consistent with the protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources.	1604 (g)(3)(F)(v)	(d)(3)
64.51b	Timber harvest will be harvested only where there is assurance that such lands can be adequately restocked within five years after harvest	1604 (g)(3)(E)(ii)	(d)(5)
64.51c	Timber will be harvested only where protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water	1604 (g)(3)(E)(iii))	(d)(5)
64.51d	Timber will be harvested only where the harvesting system is not selected primarily because it will give the greatest dollar return or unit output of timber.	1604 (g)(3)(E)(iv)	(d)(5)
	Requirements for only even-aged timber harvest		
64.4, .41-.43	Limits to the maximum size for openings that may be cut in one harvest operation and exceptions.	1604 (g)(3)(F)(iv)	(d)(4)
64.52a	Clearcutting will be used only where determined to be the optimum method.	1604 (g)(3)(F)(i)	(d)(5)
64.52a	Other cuts to regenerate an even-aged stand of timber will be used only where determined to be appropriate.	1604 (g)(3)(F)(i)	(d)(5)
64.52b	Evenaged regeneration cutting will be used only where the interdisciplinary review has been completed.	1604 (g)(3)(F)(ii)	(d)(5)
64.52c	Evenaged regeneration cutting will be used where cuts are shaped and blended with the natural terrain	1604 (g)(3)(F)(iii)	(d)(5)
64.7	Even-aged stands shall generally have reached culmination of mean annual increment to regeneration harvest and exceptions	1604 (m)	(d)(7)
	Limitation on volume that can be sold		
64.6, .61-.63	The sale of timber from each national forest shall be limited to a quantity equal to or less than a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis and exceptions (departures, decade, salvage and sanitation harvests)	1611 (a&b)	(d)(6)

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**64.1 - No Timber Harvest for the Purpose of Timber Production on Lands not suited for timber production**

... (1) No timber harvest for the purpose of timber production may occur on lands not suited for timber production. (36 CFR 219.11(d))

To meet this requirement, plans should have standards that no timber harvest for the purpose of timber production may occur on lands not suited for timber production. This requirement does not prevent plans from having plan components that allow timber harvest on lands that are not suited for timber production in order to protect other multiple-use values, and for salvage, sanitation, public health, or safety (see 36 CFR 219.11(c) and sec. 63).

64.2 – Timber Harvest Cannot Occur If It Leads to Irreversible Damage

... (2) Timber harvest would occur only where soil, slope, or other watershed conditions would not be irreversibly damaged; (36 CFR 219.11(d))

To meet this requirement, plans should have standards to ensure that a project decision to harvest timber may only be made when it is determined the project would not cause irreversible damage to soil, slope, or watershed condition. A standard stating that no timber harvest could occur on lands where technology to harvest timber is not currently available without causing irreversible damage (see sec. 61.13) would partially meet this requirement by removing these lands from potential harvest. Plans should also have standards that the timber harvest practices and technology will only be applied if the harvest would not cause irreversible damage to soil, slope or other watershed conditions. These standards may require a site-specific finding that the timber harvest would not cause irreversible damage.

64.3 – Timber Harvest Must Be Consistent With Other Resource Protection

... (3) Timber harvest would be carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources. (36 CFR 219.11(d))

Plan components designed for the protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources as required in 36 CFR 219.11(d)(3) provide the framework to ensure that timber harvest meets this requirement. The responsible official should review plan components developed to protect soil, watershed, fish, wildlife recreation and aesthetic resources to determine if a timber harvest that would be consistent with those plan components would also meet this requirement. If not, additional plan components must be developed to ensure that all harvests meet this requirement.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**64.4– Limits on Maximum Size of Created Openings**

... (4) Where plan components will allow clearcutting, seed tree cutting, shelterwood cutting or other cuts designed to regenerate an even aged stand of timber, the plan must include standards limiting the maximum size for openings that may be cut in one harvest operation according to geographic areas, forest types or other suitable classifications. Except as provided in paragraphs (d)(4)(i) through (iii) of this section, this limit may 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. (36 CFR 219.11(d))

To meet this requirement, plans must have standards that establish size openings no larger than that allowed by the regulation except as described in § 219.11(d)(4)(i-iii) and explained in sections 64.41–64.43). See also NFMA at 1604(g)(3)(F)(iv)).

64.41 - Standards for Exceptions to Exceed Opening Size Limits

(i) Plan standards may allow for openings larger than those specified in paragraph (d)(4) of this section to be cut in one harvest operation where the responsible official determines that larger harvest openings are necessary to help achieve desired ecological conditions in the plan area. If so, standards for exceptions shall include the particular conditions under which the larger size is permitted and must set a maximum size permitted under those conditions. (36 CFR 219.11(d)(4))

Plans may specifically allow for larger openings than those described in the planning regulation. If creating such exceptions, the standard limiting the size of created openings must clearly describe the particular conditions for the exception including the desired ecological conditions that the exception intends to achieve. If the exception would also exempt a larger opening from other plan components, then those plan components must be identified in the exception; otherwise the larger opening is expected to be consistent with all other applicable plan components. Such an exception should be described in the standards that limit the size of openings described in section 64.4

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(ii) Plan components may allow for size limits exceeding those established in paragraphs (d)(4) and (d)(4)(i) of this section on an individual timber sale basis after 60 days public notice and review by the regional forester. (36 CFR 219.11(d)(4))

The standards for opening size limits in section 64.4 and the exceptions identified in section 64.41 may also provide exceptions that would allow responsible officials to propose individual timber sales that exceed these opening size standards, where doing so would be consistent with other plan components, by following this process of public notice and review by the regional forester.

64.43 - Catastrophic Conditions Allow Exceeding Opening Size Limits

The following plan requirement restricts the standard describing the limits on created openings (sec. 64.4) from applying to openings harvested as a result of catastrophic conditions:

(iii) The plan maximum size for openings to be cut in one harvest operation shall not apply to the size of openings 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)). (36 CFR 219.11(d)(4))

Plan standards that limit the size of created openings (sec. 64.4) do not apply to openings harvested as a result of the catastrophic conditions described (fire, insect and disease attack, or windstorm). To be consistent with this requirement, plan standards that limit the size of openings must create an exception for openings to exceed these sizes that result from these kinds of natural catastrophic conditions. Projects that exceed opening sizes because of natural catastrophic conditions must still be consistent with other plan components.

64.5 - Timber Harvest Limitations from the NFMA

Section 219.11 (d)(5) of the planning rule allows timber harvest only where conditions set out in the NFMA will be met:

. . . (5) Timber will be harvested from NFS lands only where such harvest would comply with the resource protections set out in sections 6(g)(3)(E) and (F) of the NFMA (16 U.S.C. 1604(g)(3)(E) and (F)). . .

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NFMA establishes limits for all timber harvest at 16 U.S.C. 1604(g)(3)(E). NFMA establishes limits specific to even-aged regeneration harvest at 16 U.S.C. 1604 (g)(3)(F). Section 64.51 of this Handbook describes the limits on all timber harvest and section 64.52 describes those applicable to even-aged management systems.

64.51 - NFMA Limitations Applicable to All Timber Harvest

NFMA at 16 U.S.C. 1604(g)(3)(E) establishes four limitations applicable to all timber harvest:

(E) insure that timber will be harvested from National Forest System lands only where— (four specific requirements follow)

The balance of this section (64.51a – 64.51d) describes how plans should comply with each of these four requirements. In some cases, other sections of this chapter or other chapters of this handbook discuss ways to meet the NFMA timber harvest limitations.

64.51a – Soil, Slope, or Other Watershed Conditions

(E) insure that timber will be harvested from National Forest System lands only where—

(i) soil, slope, or other watershed conditions will not be irreversibly damaged . . . (16 U.S.C. 1604(g)(3))

See section 64.2, which covers this identical requirement from the planning rule (36 CFR 219.11(d)(2)).

64.51b – Assurance of Adequate Restocking Within Five Years After Harvest

(E) insure that timber will be harvested from National Forest System lands only where. . .

(ii) there is assurance that such lands can be adequately restocked within five years after harvest . . . (16 U.S.C. 1604(g)(3))

To meet this requirement, the responsible official may choose to use one of two basic approaches or a third approach that combines the first two approaches.

1. Plans include standards that limit timber harvest to situations that have reasonable assurance that the stand can be adequately restocked. The desired conditions of the plan can identify “desired stocking conditions” and standards can identify “adequately restocked conditions” to meet this requirement. This approach is displayed in the simplified example below.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**EXAMPLE****Stocking Objectives for Ponderosa Pine Stands in Northern Arizona****Five years after harvest/Trees per acre**

Harvest Method	Desired Stocking	Adequately Restocked
Shelterwood Regeneration With overstory retention	5-10 trees above 10" dbh 50-100 seedlings	> 5 trees above 10" dbh > 50 seedlings
Intermediate Thinning	10-20 trees above 10" dbh 10-20 trees above 5" dbh 25-60 seedlings	> 10 trees above 10" dbh > 10 trees above 5" dbh >25 seedlings
Salvage Harvest following Fire destroying canopy	5-10 trees above 10" dbh 50-100 seedlings	> 5 trees above 10" dbh (if available) > 50 seedlings
Harvest to create permanent meadow *	< 10 trees of any size	No trees

* Any timber harvest that would not restock after harvest to perpetuate forest conditions must be based on desired conditions or objectives of the plan and be consistent with other plan components, including those for ecological integrity. After harvest, affected land should be classified as not suitable for timber production (sec. 61.15) as part of the review of lands not suited for timber production (sec. 61.3).

The documentation for the plan should support the determination that there is reasonable assurance that identified lands and harvest methods can be adequately restocked as described based on the best available scientific information. Reasonable assurance is based on average and foreseeable conditions for these specific land conditions and does not constitute a guarantee that stands will be adequately restocked. Timber harvest projects applied to these lands consistent with the plan and based on the identified stocking objectives can use the documentation for the plan to demonstrate reasonable assurance of adequate restocking.

2. Plans include standards that individual timber harvest projects identify stocking expectations and state findings that support the determination that there is reasonable assurance that these lands can be adequately restocked within 5 years to meet those expectations based on the best available scientific information. Reasonable assurance is based on average and foreseeable conditions for these specific land conditions and does not constitute a guarantee that stands will be adequately restocked. The determination of restocking expectations should be based on plan desired conditions and objectives applicable to the area and project, and be consistent with all other applicable plan components. This approach may be appropriate for the following types of activities, where removal of forest cover may be consistent with the desired conditions and objectives of the plan such as:

- a. Harvest to thin stands for habitat for a species requiring very open conditions.

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- b. Harvest to eradicate an invasive tree that has dominated the site.
 - c. Harvest to restore an open cultural landscape associated with a historic property.
 - d. Harvest to create a parking lot for a trailhead.
3. A mixed approach in which the plan has a standard limiting harvest to set of specified situations, but the standard explicitly allows for other situations or exceptions supported by a project specific determination of the level of adequate restocking. As in the second approach, a project specific determination of adequate restocking would require a project specific finding and documented support that there is reasonable assurance that the stand can be adequately restocked five years after harvest.

64.51c – Protection of Aquatic and Riparian Resources

(E) insure that timber will be harvested from National Forest System lands only where . . .

(iii) protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat . . . (16 U.S.C.1604(g)(3))

Timber harvest must be consistent with plan components designed for the protection of the aquatic and riparian resources. The responsible official should review plan components related to protection of aquatic and riparian resources to see if a timber harvest that would be consistent with those plan components would also meet this requirement. If not, additional plan components must be developed to ensure that all harvests meet this requirement.

64.51d – Selection of Harvesting System

(E) insure that timber will be harvested from National Forest System lands only where . . .

(iv) the harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber . . . (16 U.S.C. 1604(g)(3))

Plans should include a standard indicating that the selection of harvesting system for a project must not be selected primarily for the greatest dollar return or output of timber.

64.52 - NFMA Limitations Applicable to Even-Aged Timber Harvest

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NFMA at 16 U.S.C. 1604(g)(3)(F) establishes the five limitations applicable to harvests designed to regenerate an even-aged stand of timber:

(F) insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an evenaged stand of timber will be used as a cutting method on National Forest System lands only where— (five specific requirements follow)

The balance of this section (64.52a – 64.52e) describes how plans should comply with each of these five requirements. In some cases, other sections of this chapter or other chapters of this Handbook discuss how to meet the requirement.

64.52a – Clearcutting and Other Even-aged Cutting Methods

NFMA, and by reference, the regulation, limits clearcutting and other even-aged harvest to situations where:

(i) for clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan . . .
(16 U.S.C. 1604(g)(3)(F))

There are two approaches or a third, combined approach to meet this requirement for clearcutting similar to the discussion on assurance of adequate restocking in section 64.51b.

1. The plan has standards that limit clearcutting to specific types of situations where it is the optimum method to achieve the plan's desired conditions and objectives. The planning record provides documentation to support this determination of clearcutting as the optimum method.
2. The plan has a standard that requires the responsible official for each clearcutting project to make a finding that clearcutting is the optimum method for the specific project; and to document the rationale for that finding in the project record. The finding that clearcutting is the optimum method for the project must be based on desired conditions and objectives and be consistent with all other applicable plan components.
3. The plan has a standard that limits clearcutting to specific types of situations, but that also explicitly provides for project specific exceptions that would allow clearcutting upon a finding documented in the project record that clearcutting is optimum method for the specific project. This finding must be based on desired conditions and objectives and be consistent with all other applicable plan components.

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In determining the approach to be used, the responsible official may consider the following situations where clearcutting may be optimal, such as:

- a. Establishing, maintaining, or improving habitat for threatened, endangered, or candidate species or species of conservation requiring open conditions.
- b. Maintaining age class or structural diversity in a forested landscape.
- c. Providing a scenic vista.
- d. Maintaining utility corridors or similar development areas.
- e. Rehabilitating lands adversely affected by events such as fires, windstorms, or insect or disease infestations.
- f. Providing for the establishment and growth of desired trees or other vegetative species that are shade intolerant.
- g. Meeting research needs.

To meet the requirement that shelterwood, seed tree, and other types of even-aged cuts are appropriate to achieve the desired conditions and objectives of the plan, one of the same three general approaches can be used:

1. The plan has a standard limiting the types of situations where certain types of even-aged harvests are appropriate to achieve the desired conditions and objectives. The planning record provides documentation to support this determination that even-aged cuts are appropriate.
2. The plan has a standard requiring the responsible official for each even-aged harvest project to make a finding that such harvest is appropriate for the specific project, and to document the rationale for that finding in the project record. The finding that the even-aged cuts for the project is appropriate must be based on desired conditions and objectives and be consistent with all other applicable plan components.
3. The plan has a standard limiting other types of even-aged cuts to specific types of situations, but explicitly provides for project-specific exceptions upon a finding, documented in the project record that the even-aged cut is appropriate for the project. This finding must be based on desired conditions and objectives and be consistent with all other applicable plan components.

64.52b – Interdisciplinary Review

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NFMA, and by reference, the regulation, limits clearcutting and other even-aged harvest to situations where

(ii) the interdisciplinary review as determined by the Secretary has been completed and the potential environmental, biological, esthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area . . . (16 U.S.C. 1604(g)(3)(F))

To meet this requirement, plans should have standards requiring interdisciplinary review, assessments of impacts through appropriate NEPA documentation and a finding that the sale is consistent with the multiple use of the general area for any even-aged regeneration harvests.

64.52c - Cuts Shaped and Blended with Natural Terrain

NFMA, and by reference, the regulation, limits clearcutting and other even-aged harvest to situations where

(iii) cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain . . . (16 U.S.C. 1604(g)(3)(F))

Plans must have plan components, including standards and/or guidelines that apply to even-aged harvests designed to blend these harvest units into the natural terrain to the extent practicable. Plan components related to scenic character usually provide for blending harvest units into the natural terrain (see FSH 1909.12, ch. 20) and will likely suffice to ensure compliance with this timber harvest requirement. The responsible official should review plan components developed to provide for scenery to see if consistency with those plan components ensures that this requirement is also met. If not, additional plan components must be developed to ensure meeting this requirement.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**64.52d – Maximum Size Limits**

NFMA, and by reference, the regulation, limits clearcutting and other even-aged harvest to situations where

(iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: Provided, That such limits 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))

This requirement is the same as the one described in 64.4. See the discussion in section 64.4 for guidance on how to address this requirement.

64.52e – Consistency with resource protections

NFMA, and by reference, the regulation, limits clearcutting and other even-aged harvest to situations where

(v) such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource. (16 U.S.C. 1604(g)(3)(F))

For guidance to meet this requirement, see discussion in section 64.3 that applies to all harvests including even-aged timber harvest and section 64.51b that applies to restocking to achieve stand regeneration.

64.6 - Limiting the Quantity of Timber that can be removed

The NFMA at 16 U.S.C. 1611 requires that the Forest Service limit the amount of timber that may be sold from each national forest.

a) Limitations on removal; variations in allowable sale quantity; public participation

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The Secretary of Agriculture shall limit the sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis: Provided, That, in order to meet overall multiple-use objectives, the Secretary may establish an allowable sale quantity for any decade which departs from the projected long-term average sale quantity that would otherwise be established: Provided further, That any such planned departure must be consistent with the multiple-use management objectives of the land management plan. Plans for variations in the allowable sale quantity must be made with public participation as required by section 1604(d) of this title. In addition, within any decade, the Secretary may sell a quantity in excess of the annual allowable sale quantity established pursuant to this section in the case of any national forest so long as the average sale quantities of timber from such national forest over the decade covered by the plan do not exceed such quantity limitation. In those cases where a forest has less than two hundred thousand acres of commercial forest land, the Secretary may use two or more forests for purposes of determining the sustained yield.

(b) Salvage harvesting

Nothing in subsection (a) of this section shall prohibit the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack. The Secretary may either substitute such timber for timber that would otherwise be sold under the plan or, if not feasible, sell such timber over and above the plan volume.

The Forest Service planning regulations, at 36 CFR 219.11 (d), requires implementation of the statute as follows:

(d) Whether timber harvest would be for the purposes of timber production or other purposes, plan components, including standards or guidelines must ensure the following:

(6) The quantity of timber that may be sold from the national forest is limited to an amount equal to or less than that which can be removed from such forest annually in perpetuity on a sustained yield basis. This limit may be measured on a decadal basis. The plan may provide for departures from this limit as provided by the NFMA when departure would be consistent with the plan's desired conditions

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and objectives. Exceptions for departure from this limit on the quantity sold may be made only after a public review and comment period of at least 90 days. The Chief must include in the Forest Service Directive System procedures for estimating the quantity of timber that can be removed annually on a sustained-yield basis, and exceptions, consistent with U.S.C. 1611.

To meet these requirements a plan should have a standard that limits the quantity of timber that may be sold (except for salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack) to be less than or equal to the long-term sustained-yield capacity (LTSYC) (sec. 64.61), unless the responsible official decides a departure schedule is needed to respond to certain circumstances.

Alternatively, if the plan establishes a departure harvest schedule, the plan must have a standard that limits the quantity of timber that may be sold (except for salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack) to be less than or equal to the sale quantity limit. The sale quantity limit is the LTSYC plus the departure increment. See section 64.63.

Sections 64.61 and 64.62 describe how to identify the LTSYC, the timber sale program quantity (TSPQ), the planned sale quantity (PSQ) and the amount of timber actually sold to evaluate compliance with this standard. Each of these measures of timber quantity (long-term sustained-yield capacity, timber sale program quantity, planned sale quantity and the amount of timber actually sold) must be measured in cubic feet on average annual basis.

The timber volume used to estimate the LTSYC, the departure increment, the sale quantity limit and the planned sale quantity is the timber volume that meets utilization standards—the TSPQ includes all woody biomass. These utilization standards identify the standard wood products that are expected to be sold during the first two decades of the plan. Utilization standards do not limit the display of the timber products in the plan. The utilization standards are relevant in the plan only for purposes of establishing consistency in evaluating compliance with this NFMA and planning rule requirement.

64.61 - Long-term Sustained-yield Capacity

The responsible official must identify the amount of timber that can be removed annually in perpetuity on a sustained-yield basis from the plan. This sustained yield basis is the LTSYC. The responsible official must base the determination of the LTSYC on the amount of timber that could be produced on all lands that may be suitable for timber production and assuming all of these lands were managed to produce timber.

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The LTSYC should be based on the flow of timber that can be reasonably planned and scheduled on a predictable basis under these circumstances. Volume from salvage and sanitation timber harvest should not be included in calculating the LTSYC. Express the LTSYC estimate in units of cubic feet that meet appropriate utilization standards (sec. 64.64). As appropriate, the LTSYC may also be converted to board feet.

A national forest with less than 200,000 acres of land suitable for timber production may combine with one or more other national forests to develop an estimate of the LTSYC for the combined national forests.

The analysis conducted to estimate LTSYC should be reasonable in cost and time commitment. The analysis can be based on standard growth and yield equations to estimate sustainable timber production from the lands that may be suitable for timber production. Calculations of the LTSYC should include all potential outputs of wood fiber that would meet utilization standards for products sold from NFS lands. Regression equations, growth and yield simulation models such as Forest Vegetation Simulator (FVS) are acceptable tools for determining LTSYC. Data used to develop LTSYC estimates may include volume, basal area, number of trees, and average diameter at breast height (d.b.h.) by age class or successional stage. Where a choice of estimation techniques is available, the responsible official shall determine the appropriate method to use.

The calculations of LTSYC may be based on application of intensified management practices such as reforestation, thinning and tree improvement.

The plan must identify the LTSYC as shown in section 65.1, exhibit 2 or exhibit 3. The LTSYC must be identified at the time of plan development and plan revision. The LTSYC may be adjusted as appropriate in plan amendments.

64.62 – Timber Sale Program Quantity, Planned Sale Quantity, and Quantity of Timber Sold

To display clearly to the public the intended timber program and to assure compliance with the standard identified in 36 CFR 219.11(d)(6) and 16 U.S.C. 1611 (see section 64.6), the plan must identify the timber sale program quantity (TSPQ). The TSPQ is the total output of timber and other wood products anticipated in the first two decades of the plan, recognizing that the plan must be revised every 15 years. Display of the TSPQ must include a separate identification of the planned sale quantity (PSQ) to show the relationship between the planned timber sale program and the LTSYC. Except as provided in section 64.63 for a departure harvest schedule, the PSQ must be equal to or below the LTSYC. Both the PSQ and the TSPQ must take into account the fiscal capability of the planning unit in the first two decades and be consistent with the plan components. The PSQ and TSPQ are based on expected harvests, for any purpose, on all lands in the plan area.

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After the development or revision of the plan, the responsible official must track the quantity of woody material sold from the plan area (comparable to the TSPQ) and specifically the quantity that meets utilization standards (comparable to the PSQ) to evaluate compliance with the decadal timber limitation described in 64.6. This is normally done as part of the Agency's Cut and Sold reporting system.

In any given year, the responsible official may sell a quantity of timber in excess of the annual average volume for the decade of the LTSYC or sale quantity limit for a departure. However, the total quantity sold over a 10-year period may not exceed the decadal limit. The LTSYC limit shall not prohibit the responsible official from salvage or sanitation harvesting of timber stands substantially damaged by fire, windthrow, or other catastrophe, or that are in imminent danger from insect or disease attack. The responsible official may either substitute such timber for timber that would otherwise be offered under the plan or offer such volume above the LTSYC.

If multiple national forests were combined for calculation of the LTSYC (sec. 64.61), the sum of the PSQs of the combined national forests must be less than or equal to the LTSYC of the combined national forests. The quantity of the timber sold must also be tracked for the combined national forests and sum to a quantity less than or equal to the LTSYC of the combined units.

If intensified management practices were used to calculate the LTSYC and such practices are planned to achieve the LTSYC during the plan period, the PSQ and TSPQ must be decreased at the end of the plan period if such practices were not successfully implemented or funds were not received to permit such practices to continue substantially as planned.

64.63 - Departure from Long-term Sustained-yield Capacity

To achieve the plan's desired conditions and objectives such as a need for accelerated restoration, the responsible official may establish a departure increment for the first and second decades of the plan above the LTSYC. The sum of the departure increment and the LTSYC is the sale quantity limit for timber that can be sold in the first or second decade. The departure increment can be different for each of these decades. Departure schedules must be consistent with the following:

1. Any such planned departure must be consistent with the multiple-use management objectives of the land management plan; and
2. The departure schedule must be consistent with all desired conditions, objectives and other plan components of the plan.

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3. A departure above the LTSYC must be made with public participation after a public review and comment period of at least 90 days (16 USC 1604(d) and 16011(a); (36 CFR 219.11(d)(6)). The 90 day comment period for review of a proposed land management plan or plan revision can meet this requirement (36 CFR 219.16(a)(2)).

The responsible official may choose to establish a departure increment to sell a quantity of timber in excess of the LTSYC if necessary to move the forested landscape toward desired conditions. The rationale for the departure must be explained in the plan decision document.

The departure increment may exceed the LTSYC for one or more decades and subsequently lead to the PSQ dropping below the LTSYC before eventually reaching the LTSYC level again.

As part of the adaptive management framework, the responsible official may review the accomplishment and effects of the departure schedule.

64.64 - Utilization Standards

For purposes of the calculations and measurement of timber volumes described throughout section 64.6 and referenced in section 65.1, exhibit 02 and exhibit 03, the plan must identify or reference the appropriate utilization standards that identify the standard types of timber products to be sold. These utilization standards may distinguish between sawtimber, pulpwood, and other products. These utilization standards for timber should not include branches, sawdust, fuelwood, firewood, biomass, or other woody material that is not consistently sold on a volume basis. The woody material that does not meet utilization standards is not included in the PSQ, but must be displayed as part of the TSPQ (sec. 65.1).

Regions must identify utilization standards in regional supplements to the directives in order to maintain consistency for these calculations within the region.

64.7 - Culmination of Mean Annual Increment of growth

NFMA, at 16 USC 1604 (m), sets out a requirement to ensure that timber harvest shall occur at the culmination of the mean annual increment of growth, but also provides for exceptions:

(m) Establishment of standards to ensure culmination of mean annual increment of growth; silvicultural practices; salvage harvesting; exceptions

The Secretary shall establish—

(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated on the basis of cubic measurement or other methods of calculation at the

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discretion of the Secretary): Provided, That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures: Provided further, That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; and

(2) exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to the multiple uses of the forest including, but not limited to, recreation, wildlife habitat, and range and after completion of public participation processes utilizing the procedures of subsection (d) of this section.

This statutory direction is reflected in the planning rule at 36 CFR 219.11 (d)(7).

... (7) The regeneration harvest of even-aged stands of trees is limited to stands that generally have reached the culmination of mean annual increment (CMAI) of growth. This requirement would apply only to regeneration harvest of even-aged stands on lands identified as suited for timber production and where timber production is the primary purpose for the harvest. Plan components may allow for exceptions, set out in 16 U.S.C 1604(m), only if such harvest is consistent with the other plan components of the land management plan.

Plans for national forests that have lands suitable for timber production must include plan components (typically standards and guidelines) to address these requirements.

A stand that “generally [has] reached the culmination of mean annual increment (CMAI) of growth” is the age at which the stand achieves at least 95 percent of the cubic foot volume at culmination. The responsible official must calculate the CMAI based on cubic measurement. Base the determination of the CMAI on the expected cumulative timber yield from regeneration harvest and additional timber yields from any planned intermediate harvests prior to the regeneration harvest. The minimum rotation age is the shortest length of time required to achieve volume production equivalent to at least 95 percent of the CMAI. See also the definition of mean annual increment in section 60.5 of this Handbook.

Plan components that limit regeneration harvest to stands that have reached 95 percent of CMAI must clarify that these limitations do not apply to:

1. Thinning or other stand improvement treatments and uneven-aged systems that do not regenerate even-aged stands

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2. Salvage or sanitation harvesting of timber stands which are substantially damaged by fire, wind throw, or other catastrophe, or which are in imminent danger from insect or disease attack.
3. Harvesting of trees at CMAI is not a consideration on lands not suited for timber production because the type and frequency of harvests are driven by the need to protect multiple use values other than timber production.

A plan may provide for exceptions to the CMAI requirement for expected situations where even-aged regeneration harvest at less than CMAI would contribute to the plan's desired conditions or objectives consistent with other plan components. For example, it may be appropriate for a plan to establish shorter even-aged rotations to maintain levels of early seral stages that are sufficient for wildlife that depend upon such habitat conditions

65 - LAND MANAGEMENT PLAN GUIDANCE

A plan must include plan components as described in 36 CFR 219.7(e) for desired conditions, objectives, standards, guidelines, and suitability of lands. The plan may also have goals. In addition to requirements of 36 CFR 219.11, sections 219.7, 219.8, 219.9, and 219.10 have substantive requirements that guide the development of plan components for vegetation. FSH 1919.12, chapter 20 describes the plan development process and provides guidance for the development of plan components and other plan content.

65.1 - Proposed and Possible actions, Vegetation Management, and Timber Sale Program Quantity (TSPQ)

The NFMA requires plans to include specific information regarding timber management at 16 USC 1604 (e)(2) and (f) (2), as follows.

(e) Required assurances

In developing, maintaining, and revising plans for units of the National Forest System pursuant to this section, the Secretary shall assure that such plans -

(2) determine forest management systems, harvesting levels, and procedures in the light of all of the uses set forth in subsection (c)(1) of this section, the definition of the terms “multiple use” and “sustained yield” as provided in the Multiple-Use Sustained-Yield Act of 1960, and the availability of lands and their suitability for resource management

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Plans developed in accordance with this section shall -

(2) be embodied in appropriate written material, including maps and other descriptive documents, reflecting proposed and possible actions, including the planned timber sale program and the proportion of probable methods of timber harvest within the unit necessary to fulfill the plan ;

The rule requires this information as plan content other than plan components, at 36 CFR 219.7(f):

(f) Other content in the plan. (1) Other required content in the plan.

Every plan must . . .

(iv) Contain information reflecting proposed and possible actions that may occur on the plan area during the life of the plan, including: the planned timber sale program; timber harvesting levels; and the proportion of probable methods of forest vegetation management practices expected to be used (16 U.S.C. 1604(e)(2) and (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)).

To meet the requirement for a display of the planned timber sale program and the proportion of probable methods of timber harvest, a table similar to that of exhibit 01, should display the planned types of vegetation management practices that include sale of timber and may include other vegetation management practices such as prescribed fire. The table should display the estimated acreage of these practices planned for the first decade and second decade in the plan area, recognizing that the plan must be revised at least once every 15 years. The planned practices would be the estimated types of practices that would be necessary to achieve the desired conditions and objectives during the plan period on an average annual basis within the fiscal capability of the planning unit. This estimate is not a commitment to take an action or a proposal for such action. As a minimum, this identification of management practices must display or describe practices of even-aged and uneven-aged management systems planned for the plan area. The practices identified can be broken out by lands suited or not suited for timber production or any other land stratification deemed appropriate by the responsible official.

To display the TSPQ, use a format similar to that presented in exhibit 02 or exhibit 03. Exhibit 02 displays the LTSYC, PSQ, and TSPQ for the first two decades of a non-departure situation.

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Exhibit 03 shows a similarly formatted table for a departure situation. All volumes in this table should be displayed as annual averages for the decade rather than decadal totals.

The first line of both exhibits show the LTSYC.

Row **A** displays the estimated volumes in the planned sale quantity from lands suitable for timber production. Line A1 shows the amount of sawtimber volume in cubic feet. Line A2 shows this same sawtimber volume converted to board feet using local factors for the plan area. Line A3 shows the amount of non-sawtimber products to be sold that meet utilization standards for sale.

In row **B** the table should also show the planned sale quantity from lands not suitable for timber production if the plan anticipates timber harvest on those lands for protection of multiple use values. The **B** lines repeat the same format and sequence as the **A** lines.

Row **C** sums these quantities to indicate the total PSQ for the plan area for the first two decades. This must be less than the LTSYC for each decade, unless a departure schedule is being used (sec. 64.6)

In row **D**, the table should also display any estimates of woody material that do not meet utilization standards such as fuelwood, firewood or woody biomass that are anticipated to be made available in the first two decades in the **D** lines. If useful, this should break out display of different types of wood products anticipated. Volumes should be displayed in both cubic feet and tons.

Finally, row **E** provides the total timber sale program quantity that includes all wood products and materials. This must be in cubic feet of measure, but may also be converted into other units of measure.

For a departure schedule, the format in exhibit 03 should be used. This table has the same format as shown in exhibit 02, except that the departure increment and the sale quantity limit are added to the table. Exhibit 03 shows a departure only for the first decade for restoration activity on lands that are not suitable for timber production. In a departure decade, the PSQ must be less than the sale quantity limit. In the second decade, there is no departure and the PSQ must be less than the LTSYC.

These estimated outputs may be displayed in the plan in this or any supplemental table by softwoods and hardwoods, for different product types, species or any other desired breakdown.

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**65.1 - Exhibit 01****Estimated Vegetation Management Practices**

Forest Wide Vegetation Management Practices (acres)		
Annual Average per Decade		
Forest Cover Types/ Vegetation Management Practices	Summary	
	1st Decade	2nd Decade
Openings Maintenance Even Aged		
Prescribed Fire	0	1040
Aspen Treated		
Regeneration * (Even-aged harvest)	1890	600
Thinning (Intermediate harvest)	960	390
Jack Pine Treated		
Regeneration * (Even-aged harvest)	1210	900
Thinning (Intermediate harvest)	230	30
Mid-Seral Treated		
Regeneration * (Even-aged harvest)	250	1030
Thinning (Intermediate harvest)	3730	2510
Late-Seral Treated		
Regeneration * (Even-aged harvest)	1770	3560
Thinning (Intermediate harvest)	4420	2830
Improvement/Selection (Uneven-aged harvest)	3820	3920
Totals Treated		
Regeneration *(Even-aged harvest)	5110	6090
Thinning (Uneven-aged harvest)	9340	5760
Improvement/Selection (Uneven-aged harvest)	3820	3920
* Regeneration harvest treatment includes clear cuts, shelterwoods, shelterwood removal and seed tree methods.		

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**65.1 - Exhibit 02****Timber Sale Program Quantity****Annual Average Volume Outputs for 1st and 2nd Decade)**

	First Decade	Second Decade
Long-term sustained-yield capacity (LTSYC) (Millions cubic feet – MMCF)	50.0	
Planned Sale Quantity Harvest volumes other than salvage or sanitation volumes that meet timber product utilization standards		
Lands suitable for timber production		
A1. Sawtimber (million cubic feet- MMCF)	15.0	15.0
A2. Sawtimber (million board feet-MMBF)	60.0	60.0
A3. Other products meeting utilization standards (MMCF)	1.7	1.7
Lands not suitable for timber production		
B1. Sawtimber (MMCF)	7.0	5.0
B2. Sawtimber (MMBF)	28.0	20.0
B3. Other products meeting utilization standards (MMCF)	1.3	1.3
<u>C. Subtotal Planned Sale Quantity</u> (MMCF) (A1+A3+B1+B3)	25.0	23.0
Other estimated wood products from all lands Fuelwood, biomass, and other volumes that do not meet timber product utilization standards		
D. Fuelwood (MMCF)	3.0	2.5
Fuelwood (Tons)	45.0	37.5
<u>E. Timber Sale Program Quantity</u> (MMCF) (C+D)	28.0	25.5

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**65.1 - Exhibit 03****Timber Sale Program Quantity****Departure Schedule in the first decade****Annual Average Volume Outputs for 1st and 2nd Decade)**

	First Decade	Second Decade
Long-term sustained-yield capacity (LTSYC) (Millions cubic feet – MMCF)	50.0	
Departure Increment	10.0	N/A
Sale quantity limit	60.0	N/A
Planned Sale Quantity		
Harvest volumes other than salvage or sanitation volumes that meet timber product utilization standards		
Lands suitable for timber production		
A1. Sawtimber (million cubic feet- MMCF)	40.0	40.0
A2. Sawtimber (million board feet-MMBF)	160.0	160.0
A3. Other products meeting utilization standards (MMCF)	8.0	8.0
Lands not suitable for timber production		
B1. Sawtimber (MMCF)	10.0	1.0
B2. Sawtimber (MMBF)	40.0	8.0
B3. Other products meeting utilization standards (MMCF)	2.0	.2
<u>C. Subtotal Planned Sale Quantity</u> (MMCF) (A1+A3+B1+B3)	60.0	49.2
Other estimated wood products from all lands		
Fuelwood, biomass, and other volumes that do not meet timber product utilizations standards		
D. Fuelwood (MMCF)	6.0	5.0
Fuelwood (Tons)	90.0	75.0
<u>E. Timber Sale Program Quantity</u> (MMCF) (C+D)	66.0	54.2

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CHAPTER 70 - WILDERNESS EVALUATION

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
Title of Approving Official

Date Approved: mm/dd/yyyy

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 xxxxxx.

New Document	1909.12_70	xx Pages
Superseded Document(s) by Issuance Number and Effective Date	1909.12_70 (Amendment 1909.12-2007-1, 1/31/2007)	25 Pages

Digest:

70 – Revises chapter in its entirety. Removes codes, captions, and obsolete direction and establishes codes, captions, and sets forth new direction throughout the chapter.

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This chapter describes the process for identifying and evaluating lands that may be suitable for inclusion in the National Wilderness Preservation System (NWPS) and determine whether to recommend any such lands for wilderness designation.

70.1 - Authority

The purpose of wilderness and the broad direction for managing wilderness are in the Wilderness Act of 1964 (16 U.S.C. 1131–1136, 78 Stat 890) and the Eastern Wilderness Act of 1975 (16 U.S.C. 1132). Land Management Planning process requirements are in Title 36, Code of Federal Regulations, section 219.7 (36 CFR 219.7), and FSM 1923.

In developing a proposed new plan or proposed plan revision, the responsible official shall:

...

(v) Identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. (36 CFR 219.7(c)(2))

70.5 - Definitions

Forest road. A road wholly or partly within or adjacent to and serving the National Forest System (NFS) that the Forest Service determines is necessary for the protection, administration, and utilization of the NFS and the use and development of its resources. (36 CFR 212.1)

Maintenance levels. the level of service provided by, and maintenance required for, a specific road. (FSH 7709.59, ch. 60, (62.3))

1. LEVEL 1. These are roads that have been placed in storage between intermittent uses. The period of storage must exceed 1 year. Basic custodial maintenance is performed to prevent damage to adjacent resources and to perpetuate the road for future resource management needs. Emphasis is normally given to maintaining drainage facilities and runoff patterns. Planned road deterioration may occur at this level. Appropriate traffic management strategies are to "prohibit" and "eliminate" all traffic. These roads are not shown on motor vehicle use maps.

Roads receiving level 1 maintenance may be of any type, class, or construction standard, and may be managed at any other maintenance level during the time they are open for traffic. However, while being maintained at level 1, they are closed to vehicular traffic but may be available and suitable for nonmotorized uses.

2. LEVEL 2. Assigned to roads open for use by high clearance vehicles. Passenger car traffic, user comfort, and user convenience are not considerations. Warning signs and traffic control devices are not provided with the exception that some signing,

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such as W-18-1 “No Traffic Signs,” may be posted at intersections. Motorists should have no expectations of being alerted to potential hazards while driving these roads. Traffic is normally minor, usually consisting of one or a combination of administrative, permitted, dispersed recreation, or other specialized uses. Log haul may occur at this level. Appropriate traffic management strategies are either to “discourage” or “prohibit” passenger cars. “Accept” or “discourage” strategies may be employed for high clearance vehicles.

3. LEVEL 3. Assigned to roads open and maintained for travel by a prudent driver in a standard passenger car. User comfort and convenience are not considered priorities. The Manual on Uniform Traffic Control Devices (MUTCD) is applicable. Warning signs and traffic control devices are provided to alert motorists of situations that may violate expectations.

Roads in this maintenance level are typically low speed with single lanes and turnouts. Appropriate traffic management strategies are either to “encourage” or “accept” passenger cars. “Discourage” or “prohibit” strategies may be employed for certain classes of vehicles or users.

4. LEVEL 4. Assigned to roads that provide a moderate degree of user comfort and convenience at moderate travel speeds. Most roads are double lane and aggregate surfaced. However, some roads may be single lane. Some roads may be paved and/or dust abated. MUTCD is applicable. The most appropriate traffic management strategy is to “encourage” passenger cars. However, the “prohibit” strategy may apply to specific classes of vehicles or users at certain times.

5. LEVEL 5. Assigned to roads that provide a high degree of user comfort and convenience. These roads are normally double lane, paved facilities. Some may be aggregate surfaced and dust abated. MUTCD is applicable. The appropriate traffic management strategy is to “encourage” passenger cars.

70.6 - Process

Responsible official shall use the following process for identifying and evaluating lands that may be suitable for inclusion in the NWPS and determine whether to recommend any such lands for wilderness designation. All plan revisions or new plans must complete this process (36 CFR 219.7 (c)(2)(v)).

This process has a sequence of steps: identification and inventory, evaluation, analysis, and decision.

1. Inventory (sec. 71): The responsible official shall identify and create an inventory of all lands that may be suitable for inclusion in the NWPS. The inventory must be broad and inclusive. To develop the inventory, the responsible official shall identify lands based on

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a set of inventory criteria. In addition, the responsible official shall review information provided during the assessment (FSH 1909.12, ch. 10). Inclusion in the inventory is not a designation that conveys or requires a particular kind of management. Lands included in the inventory must be documented and identified on a map. This map will be available for public participation opportunities during the plan revision or development process.

2. Evaluation (sec. 72): The responsible official shall evaluate the wilderness characteristics of each area in the inventory using a set of criteria based on the Wilderness Act of 1964 and document each of the evaluations completed. The responsible official shall include the documentation of the inventory and evaluation of these areas in the planning record. This documentation will be available for public participation opportunities during the plan revision or development process.

3. Analysis (sec. 73): The responsible official shall consider the areas evaluated and determine, based upon the evaluations and input from the public, which specific areas to carry forward in the applicable National Environmental Policy Act (NEPA) document for further analysis and public participation opportunities. These areas must be identified within the applicable NEPA document as part of one or more alternatives. Not all lands included in the inventory and subsequent evaluations are required to be carried forward for further analysis.

4. Decision (sec. 74): The responsible official shall decide, based upon the analysis disclosed in the applicable NEPA document and input from the public, which areas, if any, to recommend for inclusion in the NWPS, and shall identify any such lands in the final decision document for the plan.

The responsible official should use the public participation opportunities provided as part of the broader planning process (FSH 1909.12, ch. 40) to engage the public and other governments to provide feedback and input on the inventory, evaluation, and analysis of areas for wilderness recommendation, and may provide additional participation opportunities specifically on this topic as necessary.

71 - IDENTIFICATION AND INVENTORY OF AREAS THAT MAY BE SUITABLE FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM

The primary function of the identification and inventory step is to comprehensively identify all lands that may have wilderness characteristics within the plan area, using a transparent process. Lands included in the inventory will be carried forward for further evaluation. Inclusion in the inventory is not a designation that conveys or requires a particular kind of management.

The inventory is intended to be broad and inclusive, based on a set of inventory criteria and additional information provided to the responsible official during the assessment (FSH 1909.12, ch. 10). The responsible official will document the inventory and make a map of the lands

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included in the inventory available to the public during the public participation process and as part of the applicable NEPA documents.

71.1 - Inventory

Start the inventory by considering all lands within the planning area. For these lands, identify and create an inventory of all lands that may be suitable for inclusion in the NWPS using the criteria and steps outlined in section 71.2.

71.2 - Inventory Criteria**71.21 - Size Criteria**

Include areas meeting one of the following criteria:

1. The area contains 5,000 acres or more.
2. The area contains less than 5,000 acres but is of sufficient size as to make practicable its preservation and use in an unimpaired condition. Examples of such areas can be as small as a self-contained island or canyon, or large enough to be effectively managed as a separate unit of the NWPS.
3. Areas contiguous to existing wilderness, primitive areas, administratively recommended wilderness, or wilderness inventories of other Federal ownership, regardless of their size.

71.22 - Improvements Criteria**71.22a - Roads Improvements**

When considering road-related criteria, the responsible official shall use existing information about roads and routes within the plan area.

1. Include in the inventory, areas that contain the following improvements:
 - a. Areas that contain forest roads maintained to level 1;
 - b. Areas with any routes that are unauthorized or temporary, or forest roads that are identified for decommissioning;
 - c. Areas with forest roads that are anticipated during other planning processes for disinvesting future road maintenance activities to a level 1;

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- d. Areas with historical wagon routes, historical mining routes, or other settlement era transportation features considered part of the historical and cultural landscape of the area.
2. Except as provided in (1)(b) or (c) above, exclude from the inventory areas that contain:
 - a. Permanently authorized roads validated by a Federal court or the Department of the Interior for which a valid easement or interest has been properly recorded, or
 - b. Forest roads maintained to levels 3, 4, or 5.
3. Evaluate areas that contain forest roads maintained to level 2, or levels 3, 4 or 5 where those roads are anticipated to be disinvested to a level 2. Include such areas in the inventory unless they are clearly unsuitable for inclusion in the NWPS, based on one or more of the following factors:
 - a. The road has been improved and is maintained by mechanical means to ensure relatively regular and continuous use.
 - b. Road density is so high that either wilderness character is clearly not present, or future preservation of the area as wilderness would not be possible.
 - c. A project level decision supported by NEPA analysis has been made in favor of continuous public access to and use of the road.
 - d. Other on-the-ground knowledge of the level 2 road that would preclude evaluation and consideration of the area during the public participation process as potentially suitable for wilderness recommendation.

71.22b - Other Improvements

Include in the inventory areas with other improvements as follows:

1. Airstrips and heliports.
2. Vegetation treatments that are not substantially noticeable, or if wilderness character can be maintained or restored through appropriate management actions. This can include plantations or plantings where the use of mechanical equipment or evidence of vegetative manipulation (cultivation, terrain contouring, and vegetative type conversions) is present from past management practices.
3. Timber harvest areas where logging and prior road construction are not substantially noticeable, or if wilderness character can be maintained or restored through appropriate management actions.

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4. Permanently installed vertical structures, such as electronic installations including cell towers, television, radio, and telephone repeaters, and the like, provided their impact, as well as their maintenance and access needs, is minimal.
5. Areas of historic mining where impacts are not substantially noticeable or if wilderness character can be maintained or restored through appropriate management actions.
6. Areas of mining activity where impacts are not substantially noticeable, or if wilderness character can be maintained or restored through appropriate management actions.
7. Range improvement areas (FSM 2240.5), involving minor structural improvements (for example, fences or water troughs) and nonstructural improvements (chaining, burning, spraying, potholing, and so forth) that are not substantially noticeable, or if wilderness character can be maintained or restored through appropriate management actions.
8. Recreation improvements, such as occupancy spots, or minor hunting, or outfitter camps. As a general rule, do not include developed sites. Areas with minor, easily removable recreation developments may be included.
9. Ground-return telephone lines, electric lines, and power lines if a right-of-way has not been cleared. Exclude power lines with cleared right-of-ways, pipelines, and other permanently installed linear right-of-way structures.
10. Watershed treatment areas (contouring, diking, channeling) that are not substantially noticeable, or if wilderness character can be maintained or restored through appropriate management actions. Areas may include minor watershed treatments that have been accomplished manually such as small hand-constructed gully plugs.
11. Lands adjacent to development or activities that impact opportunities for solitude. The fact that non-wilderness activities or uses can be seen or heard from within any portion of the area, shall not, of itself, preclude inclusion in the inventory. It is appropriate to extend boundaries to the edges of development for purposes of inclusion in the inventory.
12. Structures, dwellings, and other relics of past occupation when they are considered part of the historical and cultural landscape of the area.

71.3 - Inventory Review

Review the information provided as part of the planning assessment done pursuant to FSH 1909.12, chapter 10 to determine whether any areas in addition to those identified in 71.2

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should be included in the inventory for the purpose of carrying them forward to the evaluation stage.

71.4 - Documentation for the Identified and Inventoried Areas

The responsible official shall document the process used to identify and inventory areas. The purpose is to present a transparent description of how the inventory process was conducted.

Record each area included in the inventory on a map of the planning area. In addition, identify on the same map (or a series of maps), at a minimum, the following lands:

1. Existing designated wilderness and primitive areas.
2. Congressionally designated wilderness study areas, and any wilderness proposals pending before Congress. Indicate relevant statutory dates, if any.
3. Areas identified in the Forest Service Roadless Area Conservation Final Environmental Impact Statement (Volume 2, November 2000), or in a Forest Service State-specific roadless rule, or identified as undeveloped or for primitive non-motorized management in the current land management plan.
4. Areas that are undeveloped but which did not meet the inventory criteria in section 71.2 (for example, because the area is less than 5,000 acres and is not of sufficient size to make practicable its preservation and use in an unimpaired condition, or because a vegetation treatment is substantially noticeable).
5. NFS lands statutorily designated for management for non-wilderness purposes. Indicate effective dates, if any.
6. Other areas that the responsible official determines would be useful to show on the map to facilitate effective and transparent public participation and input on this topic.

72 - EVALUATION

The primary function of the evaluation step is to comprehensively evaluate, pursuant to criteria set forth in the Wilderness Act of 1964, the wilderness characteristics of each area identified during the inventory process outlined in section 71. The responsible official shall provide opportunities for public participation when evaluating lands identified in the inventory. Not all lands evaluated are required to be carried forward for further NEPA analysis for potential recommendation for inclusion in the NWPS (secs. 73 and 74).

72.1 - Evaluation of Wilderness Characteristics

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For each area identified and inventoried as outlined and documented in section 71, evaluate its potential suitability for inclusion in the NWPS using criteria included in the Wilderness Act of 1964, section 2 (c), as follows:

1. Evaluate the degree to which the area generally appears to be affected primarily by the forces of nature, with the imprints of man's work substantially unnoticeable (naturalness). Consider such factors as:
 - a. The composition of plant and animal communities;
 - b. The extent to which the area reflects ecological conditions that would normally be associated with the area absent human intervention; and
 - c. The extent to which improvements included in the inventory (sec. 71.22) represent a departure from naturalness.
2. Evaluate the degree to which the area has outstanding opportunities for solitude or for a primitive and unconfined type of recreation. The word "or" means that an area only has to possess one or the other. The area does not have to possess outstanding opportunities for both elements, nor does it need to have outstanding opportunities on every acre.

Consider impacts that are pervasive and that influence a visitor's opportunity for solitude. Factors that may be considered include topography, presence of screening, distance from impacts, degree of permanent intrusions, and sights and sounds from outside the area.

Consider the opportunity to engage in primitive-type or unconfined recreation activities that lead to a visitor's ability to feel a part of nature. Factors that may be considered include the degree of challenge or risk while using outdoor skills. Examples of primitive-type recreation activities include wildlife observation, hiking, backpacking, horseback riding, fishing, hunting, floating, kayaking, cross-country skiing, camping, and enjoying nature.

3. Evaluate how an area less than 5,000 acres is of sufficient size as to make practicable its preservation and use in an unimpaired condition.
4. Evaluate the degree to which the area may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. These values are not required to be present in an area for the area to be recommended for inclusion in the NWPS, but their presence should be identified and evaluated where they exist. Such features or values may include:
 - a. Rare plant or animal communities or rare ecosystems. Rare can be determined locally, regionally, nationally, or within the system of protected designations.

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- b. Outstanding landscape features such as waterfalls, mountains, viewpoints, water bodies, or geologic features.
 - c. Historic and cultural resource sites.
 - d. Potential or existing research natural areas.
 - e. High quality water resources or important watershed features.
5. Evaluate the degree to which the area may be managed to preserve its wilderness characteristics. Consider such factors as:
- a. Shape and configuration of the area;
 - b. Legally established rights or uses within the area;
 - c. Specific Federal or state laws that may be relevant to availability of the area for wilderness or the ability to manage the area to protect wilderness characteristics; and
 - d. The presence and amount of non-Federal land in the area.

72.2 - Documentation for Evaluated Areas

Document the evaluation and include this documentation, along with the map(s) required by section 71.4, in the planning record. The intent is to ensure that the process for inventory and evaluation is transparent and accessible to the public for input and feedback. This documentation will be available for public participation opportunities during the plan revision or development process.

73 - ANALYSIS

Based on the evaluation and input from the public participation opportunities, the responsible official shall identify which specific areas, or portions thereof, from the evaluation to carry forward in the applicable NEPA document (36 CFR 219, FSM 1920, and FSH 1909.15). These areas must be identified within the applicable NEPA document as part of one or more alternatives of lands to be included in a recommendation for wilderness. Not all lands included in the inventory and subsequent evaluations are required to be carried forward in an alternative.

These documents will be made available for public review and comment and include, at a minimum:

1. Name and number of acres included in the area to be considered for recommendation.
2. Location and a description of a recommended boundary for each area. To identify a clearly defined boundary for each area, evaluate how the location of the boundary will

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support management of the area for wilderness and other adjacent uses. Where possible, boundaries should be easy to identify and to locate on the ground. Potential boundaries can be identified as follows, listed in descending order of desirability:

- a. Use of natural features that are locatable both on the map and on the ground. Examples include, but are not limited to perennial streams, well-defined ridges, mountain peaks, and well-defined natural lake shorelines. If a stream is used, note whether the thread (centerline of a stream) or either bank (to mean high water line) has been used.
 - b. Use of human-made features that are locatable on the map and on the ground. Examples include, but are not limited to roads, trails, dams, powerlines, pipelines, and bridges. Where a human-made feature is used, note whether the feature itself forms the boundary or whether the boundary has been set back from the feature, and by what distance. Setbacks should be used only where necessary for future maintenance of the human-made feature.
 - c. Use of previously surveyed lines or legally determined lines such as section and township lines, section subdivision lines, metes and bounds property lines, county or State boundaries, or national park or Indian reservation boundaries.
 - d. Use of a straight line from one locatable point to another. These points should normally be high points in the landscape as they must be visible to be effective.
 - e. Use of a series of bearings and distances between locatable points as in a metes and bounds survey. Use this technique when other methods are not available or practicable.
3. A brief description of the general geography, topography, and vegetation of the recommended area.
 4. A brief description of the current uses and management of the area.
 5. A description of the area's wilderness characteristics and the ability to protect and manage the area so as to preserve its wilderness characteristics.
 6. A brief summary of the factors considered and the process used in evaluating the area and developing the alternative(s).

74 - DECISION

A decision on specific areas to recommend for inclusion in the NWPS will be made by the responsible official based on the analysis disclosed in the applicable NEPA document and input received during public participation opportunities. This decision will be included in the final decision document for the plan. The final decision document will identify the wilderness

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recommendation proposal as a “preliminary administrative recommendation” and qualify it by stating that:

This recommendation is a preliminary administrative recommendation. The Congress has reserved the authority to make final decisions on wilderness designation. Plan implementation is not dependent on final outcome of the areas recommended for wilderness designation.

The decision must include a summary of the information required in steps 1-6 in section 73 for each area recommended for inclusion in the NWPS. Furthermore, the plan must include plan components to provide for the management of areas recommended for wilderness designation to protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation 36 CFR 219.10 (b) (iv) and FSH 1909.12, chapter 20).

Additionally, the final decision document must recognize lands in the inventory and evaluation which were not recommended for inclusion in the NWPS and briefly identify or describe what management direction is provided in the plan for those lands.

Once a final decision has been made and documented as outlined in section 74, a notification letter documenting the recommendation made through the land management planning process will be prepared and submitted to Congress.

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FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION****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
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This chapter describes the process for identifying and evaluating potential additions to the National Wild and Scenic Rivers System (National System) on National Forest System (NFS) lands pursuant to the Wild and Scenic Rivers Act (WSR Act).

80.1 – Authorities

Wild and Scenic Rivers Act of October 2, 1968 (WSR Act), as amended (16 U.S.C. secs.1271-1287). This Act (WSR Act) describes the National Wild and Scenic Rivers System (National System) and the process to evaluate specific legislatively mandated rivers (sec. 5(a)) and for Federal agencies to identify and evaluation rivers for inclusion (sec. 5(d)(1). The Act is contained in Chapter 90 of this Handbook.

80.5 – Definitions

Classification. Identification of the class (wild, scenic, or recreational) that appropriately describes a river or river segment, based on the criteria established in section 2(b) of the WSR Act.

Determination. A finding in the study document that the river segment meets the criteria found in this chapter to be first eligible, and then later, suitable for inclusion in the National System.

Eligible River. A river segment that is free-flowing and, in combination with its adjacent land area, possess one or more “outstandingly remarkable values.” An eligible river is a river that is further evaluated in a suitability study to determine if it should be included in the National System.

Forest Service-Identified Study Rivers. Rivers that the Forest Service has identified for study to determine potential inclusion in the National System , as directed under section 5(d)(1) of the WSR Act. Study rivers that have been determined by the Forest Service to be Eligible or Suitable Rivers for inclusion in the National System.

Legislatively-Mandated Study Rivers. Rivers that Congress has identified under section 5(a) of the WSR Act for study to determine potential inclusion in the National System. .

River. A flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. The term is used interchangeably with river segment and applies to the particular segment under consideration.

River Segment. See River.

Section 5(a) study rivers. See Legislatively Mandated Study Rivers.

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Section 5(d)(1) study rivers or Section 5(d)(1) eligible or suitable study rivers. See Forest Service-Identified Study Rivers.

Study Process. The process of inventorying rivers to determine if the rivers are eligible for inclusion in the National System and the process of evaluating eligible rivers to determine if the rivers are suitable for inclusion in the National System.

Suitable River. A river segment that has been studied and determined to be suitable for inclusion in the National System but has not yet been statutorily designated. A river found suitable for inclusion in the National System is a river that the agency will recommend or has recommended for inclusion in the system.

81 – IDENTIFICATION OF RIVERS FOR WILD AND SCENIC RIVER STUDY

Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented, and there are no changed circumstances that warrant additional review. (36 CFR sec. 219.7(c)(2)(vi))

81.1 – Identification of Study Rivers

Rivers are identified for study for potential inclusion in the National System by one of two means:

1. Identification by Congress under section 5(a) of the WSR Act directing a Federal agency to study a river (“Legislatively-Mandated Study Rivers” or “5(a) Study Rivers”).
2. Identification for study by the Secretary of Agriculture (or the Secretary of the Interior, for rivers administered by a Department of the Interior (USDI) agency) under section 5(d)(1) of the WSR Act (“Forest Service-Identified Study Rivers” or “5(d)(1) Study Rivers”). River segments may be identified for study under the WSR Act, section 5(d)(1) during the land management planning process and when project plans may affect the use and development of water and related land resources.

81.2 – Study Rivers and Land Management Planning

The land management planning process includes a comprehensive evaluation of the potential for rivers in a plan area to be eligible for inclusion in the National System (36 CFR 219.7(c)(2)(vi)). Complete an inventory of eligible river segments and document this in an appendix of the environmental impact statement (EIS) for a plan revision or for the development of an initial land management plan. Sources of information for identifying the significance of river-related values include the Nationwide Rivers Inventory; State river assessments; Tribal governments, other Federal, State, or local agencies; and the public. Collaboratively involve the public throughout the evaluation process.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**81.21 – Applicability of Past River Studies**

1. Eligible Rivers. Generally if a river segment has been studied in the past and a determination made of its eligibility, it does not need to be studied again for eligibility during subsequent planning. Additional study at the time of a plan revision must be done when changed circumstances warrant additional review of eligibility.

“Changed circumstances” may include, but are not limited to, commitments made through settlement agreement or appeal decisions, and/or new information about the uniqueness and rarity of river-related values. Evaluate in land management planning the eligibility of river segments affected by changed circumstances. Document any change in status of past eligible rivers in the appendix to EIS (sec. 83.12) and summarize the changes in the Record of Decision (ROD) for a new or revised land management plan.

The responsible official may decide to evaluate suitability for one or more rivers that have previously been determined to be eligible in the land management planning process.

2. Suitable Rivers. River segments previously determined to be not suitable through a Federal agency planning process do not need to be restudied except at the discretion of the responsible official for applicable changed circumstances (see examples above). River segments previously found suitable through earlier study but not yet congressionally designated, do not need to be re-evaluated unless applicable changed circumstances warrant consideration by the responsible official of a change in river status.

81.3 – Establishing Study River Termini and Area Boundaries

The river and its corridor form the area that is to be considered for the river study. Identify the beginning and ending points of each river segment which will be studied for eligibility. Consider the entire river system, including the interrelationship between tributaries and main stem and associated ecosystems. As a minimum, a river study area includes the length of the identified river segment (sec. 82.11) and the land encompassed by one-quarter mile in width from each bank of the river along the river segment. Boundaries may be expanded to include adjacent areas needed to protect river related resources or facilitate management of the river area. This is particularly true of those resource values identified as outstandingly remarkable. For example, the boundary of a study river corridor may be extended to include key scenic features, upstream spawning areas in tributaries, or the entire river floodplain.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**82 – EVALUATION OF STUDY RIVERS**

Once study rivers have been identified (sec. 81), the evaluation of river segments follows a three-step process:

1. Determination of eligibility.
2. Assigning potential classification (wild, scenic, or recreational).
3. Determination of suitability.

82.1 – Eligibility

The eligibility of a river for the National System is determined by applying the criteria in sections 1(b) and 2(b) of the WSR Act. These criteria are further described in the U. S. Department of Agriculture (USDA) and USDI Guidelines for Eligibility, Classification and Management of River Areas dated September 7, 1982 (“USDA-USDI Guidelines”). These USDA-USDI Guidelines are included in FSH 1909.12 chapter 90. To be eligible for inclusion, a river segment must be free-flowing and, in combination with its adjacent land area, possess one or more “outstandingly remarkable values.” An inventory of eligible rivers should be included as an appendix to the EIS (sec. 83.12) for a new or revised land management plan and summarized in the ROD.

82.11 – Segments

To determine eligibility and the possible later determination of river classification (sec. 82.3), it may be necessary to divide a study river into segments. In defining segment termini within a single river, consider:

1. Logical segments bounded by junctions with major tributaries or other distinct river features,
2. Changes in land status or ownership,
3. Changes in river character, such as the presence of dams and reservoirs,
4. Significant changes in development, and
5. The presence of important resource values.

There is no minimum requirement for segment length. However, a river segment should be long enough to enable the protection of the outstandingly remarkable values if the area was managed as a wild, scenic, or recreational river.

82.12 – Free-flowing

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The WSR Act defines “free-flowing” as follows:

‘ “Free flowing” as applied to any river or section of a river means existing or flowing in a natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway. The existence, however, of low dams, diversion works, or other minor structures at the time any river is proposed for inclusion in the [National System] shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the [National System]. Section 16(b)).

Further, the USDA-USDI Guidelines state that “[t]he fact that a river segment may flow between large impoundments will not necessarily preclude its designation. Such segments may qualify if conditions within the segment meet the eligibility criteria.”

82.13 – Flows

There are no specific requirements concerning minimum flows for an eligible segment. Flows are considered sufficient for eligibility if they sustain or complement the outstandingly remarkable values for which the river would be designated.

82.14 – Outstandingly Remarkable Values

For a river to be eligible for designation to the National System, the river, in combination with its adjacent land area ("river area"), must have one or more “outstandingly remarkable values.” To be identified as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant when compared with similar values from other rivers at a regional or national scale. Regional comparisons may include a number of rivers with similarly high river-related values; in such a case, outstandingly remarkable values are those values that still distinguish themselves as unique or exemplary in these comparisons.

Under the WSR Act, the categories of outstandingly remarkable values are “scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values” (sec.1(b)). The determination that a river area does or does not contain one or more outstandingly remarkable values is a professional judgment on the part the responsible official as informed by an interdisciplinary team, best available scientific information, and public participation. As part of this determination process, input from organizations and individuals familiar with specific river resources should be sought out and documented.

The interdisciplinary team shall identify the area of consideration for each outstandingly remarkable value that will serve as the basis for meaningful comparative analysis, called the

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“region of comparison.” The region of comparison may vary for different rivers or categories of outstandingly remarkable values. The region of comparison should be scaled at an appropriate level for the type of river value being evaluated. For example, the appropriate region of comparison for scenic values may be an entire national forest or grassland in one instance, while for cultural values it may be the portion of the State in which the river is located. Further, for geological or hydrologic values, an appropriately scaled physiographic or hydrologic unit (such as an ecoregion or multi-State area) may provide the most meaningful comparative reference point. Alternatively, the responsible official may conclude that a single region of comparison can encompass the evaluation of outstanding remarkable values. Once the region of comparison is identified, a river’s values can then be analyzed in comparison with other rivers in that area. Each value may have its own region of comparison and, thus, multiple regions of comparison may be utilized to evaluate one river.

While the spectrum of resources that may be considered is broad, all features considered should be directly river-related. River values should meet at least one of the following criteria:

1. Located in the river or on its immediate shorelands (within 1/4 mile on either side of the river).
2. Contribute substantially to the functioning of the river ecosystem, and/or
3. Owe their location or existence to the presence of the river.

82.14a – Eligibility Criteria

The WSR Act section (1b) establishes a set of categories for outstandingly remarkable values. Within these categories below the criteria, establish a baseline to foster greater consistency within the agency and with other Federal river-administering agencies in evaluating eligibility. They set minimum thresholds to establish outstandingly remarkable values. The criteria within the category may be modified and additional criteria may be included to make them more meaningful in the area of comparison. Additional criteria are not intended to create any sub-categories within the value categories established under the WSR Act.

1. Scenery. The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed, may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.
2. Recreation. Recreational opportunities are, or have the potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region. River-related opportunities include, but are not limited to, sightseeing, interpretation, wildlife observation, camping, photography, hiking,

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fishing, hunting, and boating. The river may provide settings for national or regional usage or competitive events.

3. Geology. The river, or the area within the river corridor, contains one or more examples of a geologic feature, process, or phenomenon that is unique or rare within the region of comparison. The feature(s) may be in an unusually active stage of development, represent a “textbook” example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, or other geologic structures).

4. Fish. Fish values may be judged on the relative merits of either fish populations or habitat, or a combination of these river-related conditions.

a. Populations. The river is nationally or regionally an important producer of resident and/or anadromous fish species. Diversity of fish species or the presence of wild stocks and/or Federal or State listed or candidate threatened, endangered, or species of conservation concern are of particular significance.

b. Habitat. The river provides uniquely diverse or high quality habitat for fish species indigenous to the region of comparison. Exemplary habitat for wild stocks and/or Federal or State listed or candidate threatened, endangered, or species of conservation concern is of particular significance.

5. Wildlife. Wildlife values may be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat, or a combination of these conditions.

a. Populations. The river, or area within the river corridor, contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species diversity, species considered to be unique, and/or populations of Federal or State listed or candidate threatened or endangered species, or species of conservation concern.

b. Habitat. The river, or area within the river corridor, provides uniquely diverse or high quality habitat for wildlife of national or regional significance, and/or may provide unique habitat or a critical link in habitat conditions for Federal or State listed or candidate threatened, endangered species, or species of conservation concern. Contiguous habitat conditions are such that the biological needs of the species are met.

6. Historic and Cultural. The river, or area within the river corridor, contains important evidence of occupation or use by humans. Sites may have national or regional importance for interpreting history or prehistory.

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- a. History. Site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare or one-of-a-kind in the region. A historic site or feature, in most cases, is 50 years old or older.
 - b. Pre-history. Sites may have unique or rare characteristics or exemplary human interest value; represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups, or may have been used for rare sacred purposes.
7. Other Values. While no specific national evaluation guidelines have been developed for the “other similar values” category, determinations consistent with the foregoing guidance and section 82.14 may be developed, for other values that may be outstandingly remarkable, including, but not limited to, botanic, hydrologic, paleontologic, scientific, and heritage values

82.2 – Ineligible Rivers**82.21 – Legislatively-Mandated Study Rivers**

If a legislatively-mandated study river under section 5(a) of the WSR Act is found ineligible, the study report should describe the basis for the ineligibility determination. The study report should be submitted to the Chief of the Forest Service for review. After the Chief’s review, the Washington Office, Director, Wilderness and Wild and Scenic Rivers staff shall prepare the study report for submittal to the Secretary’s Office for review prior to submitting it to the President. The President will then transmit the study report to Congress in accordance with section 7(b)(i) of the WSR Act, and the Secretary of Agriculture shall publish a notice in the Federal Register 180 days after Congress has been formally notified that such a determination has been made. This notice should also include a termination of related National Environmental Policy Act (NEPA) analysis associated with the legislatively-mandated river study.

82.22 – Forest Service-Identified Study Rivers

Study of rivers identified by the Forest Service under section 5(d)(1) of the WSR Act may be terminated upon a finding of ineligibility in the land management planning process or a separate wild and scenic river study. In land management planning, documentation that the river has been determined not to be eligible for inclusion in the National System will be in an appendix to the land management plan EIS. In other cases, the determination that the river has been found not to be eligible for inclusion in the National System will be documented in the administrative record and an appropriate notification sent to interested publics identified during the study.

82.3 – Classification

All rivers that are found to be eligible must be assigned a preliminary classification. The preliminary classification of a river found to be eligible is based on the condition of the river and

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the development level of adjacent lands as they exist at the time of the study. Section 2(b) of the WSR Act, specifies and defines three classification categories for eligible rivers:

1. Wild rivers.
2. Scenic rivers.
3. Recreational rivers.

A table incorporating the USDA-USDI Guidelines for classification criteria for wild, scenic, and recreational river areas is included below in 82.3 – Exhibit 01.

Study rivers may be segmented into more than one classification when the levels of human use and activity create different degrees of development within the study area. In cases where a river is segmented into one or more classifications, each river segment identified should be of sufficient length to warrant its own unique management strategies.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**82.3 – Exhibit 01****Classification Criteria for Wild, Scenic, and Recreational River Areas**

<u>ATTRIBUTE</u>	<u>WILD</u>	<u>SCENIC</u>	<u>RECREATIONAL</u>
Water Resource Development	Free of impoundment.	Free of impoundment.	Some existing impoundment or diversion.
			The existence of low dams, diversions, or other modifications of the waterway is acceptable, provided the waterway remains generally natural and riverine in appearance.
Shoreline Development	Essentially primitive. Little or no evidence of human activity.	Largely primitive and undeveloped. No substantial evidence of human activity.	Some development. Substantial evidence of human activity.
	The presence of a few inconspicuous structures, particularly those of historic or cultural value, is acceptable.	The presence of small communities or dispersed dwellings or farm structures is acceptable.	The presence of extensive residential development and a few commercial structures is acceptable.
	A limited amount of domestic livestock grazing or hay production is acceptable.	The presence of grazing, hay production, or row crops is acceptable.	Lands may have been developed for the full range of agricultural and forestry uses.

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<u>ATTRIBUTE</u>	<u>WILD</u>	<u>SCENIC</u>	<u>RECREATIONAL</u>
(Shoreline Development – continued)	Little or no evidence of past timber harvest. No ongoing timber harvest.	Evidence of past or ongoing timber harvest is acceptable, provided the forest appears natural from the riverbank.	May show evidence of past and ongoing timber harvest.
Accessibility	Generally inaccessible except by trail.	Accessible in places by road.	Readily accessible by road or railroad.
	No roads, railroads, or other provision for vehicular travel within the river area. A few existing roads leading to the boundary of the area are acceptable.	Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads or railroads is acceptable.	The existence of parallel roads or railroads on one or both banks as well as bridge crossings and other river access points is acceptable.
Water Quality	Meets, or exceeds criteria, or federally approved state standards for aesthetics, for propagation of fish, and wildlife normally adapted to the habitat of the river, and for primary contact recreation (swimming) except where exceeded by natural conditions.	No criteria are prescribed by the Wild and Scenic Rivers Act. The Federal Water Pollution Control Act Amendments of 1972 have made it a national goal that all waters of the United States are made fishable and swimmable. Therefore, rivers will not be precluded from scenic or recreational classification because of poor water quality at the time of their study, provided a water quality improvement plan exists, or is being developed in compliance with applicable federal and state laws.	

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**82.4 – Suitability**

A suitability study provides the basis for determining which rivers or river segments, determined to be eligible for inclusion to the National System, should be recommended to Congress as potential additions to the National System. The content of a suitability study is described in section 83. A suitability study will answer these questions:

1. Should the river's free-flowing character, water quality, and outstandingly remarkable values be protected, or are one or more other uses important enough to warrant doing otherwise?
2. Will the river's free-flowing character, water quality, and outstandingly remarkable values be protected through designation?
3. Is designation the best method for protecting the river corridor?
4. Is there a demonstrated commitment to protect the river by any nonfederal entities that may be partially responsible for implementing protective management?

In answering these questions, the trade-offs between benefits and impacts of wild and scenic river designation must be evaluated and alternative protection methods considered.

82.41 – Basis for Suitability

As provided in sections 4(a) and 5(c) of the WSR Act, the following study requirements must be evaluated and documented as a basis for the suitability determination for each river:

1. Characteristics that do or do not make the area a worthy addition to the National System.
2. The current status of land ownership and use in the area.
3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.
4. The Federal agency that will administer the area should it be added to the National System.
5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by State and local agencies.
6. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area should it be added to the National System.

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7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.

The following additional suitability factors may also be evaluated, if applicable:

8. An evaluation of the adequacy of local zoning and other land use controls in protecting the river's outstandingly remarkable values by preventing incompatible development.

9. The State and/or local government's ability to manage and protect the outstandingly remarkable values on non-Federal lands. This factor requires an evaluation of the river protection mechanisms available through the authority of State and local governments. Such mechanisms may include, for example, State-wide programs related to population growth management, vegetation management, water quantity or quality, or protection of river-related values such as open space and historic areas.

10. The consistency of designation with other agency plans, programs, or policies and in meeting regional objectives. Designation may help or impede the goals of Tribal governments, or other Federal, State, or local agencies. For example, designation of a river may contribute to State or regional protection objectives for fish and wildlife resources. Similarly, adding a river that includes a limited recreation activity or setting to the National System may help meet State-wide recreation goals for that activity or setting. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.

11. Support or opposition to designation. Assessment of this factor will define the political context. The interest in designation or non-designation by Federal agencies; State, local and tribal governments; national and local publics; and the State's Congressional delegation should be considered.

12. The contribution to river system or basin integrity. This factor reflects the benefits of a "systems" approach, for example, expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system (headwaters to mouth) or watershed. Numerous benefits may result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.

13. The potential for water resources development. The intent of the Act is to preserve selected rivers from the harmful effects of water resources projects. Designation will limit development of water resources projects as diverse as irrigation and flood control measures, hydropower facilities, dredging, diversion, and channelization. Describe projects that may be foreclosed by designation and the implications for future water resource needs. This may include discussion of alternative water resources projects or

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project sites (outside a river segment being considered for designation), or modified projects, that may be considered if a river is recommended for designation.

Additional suitability factors may be identified and considered by the interdisciplinary study team.

82.5 – Interim Management of 5(a) Study Rivers and 5(d)(1) Eligible or Suitable Study Rivers

Rivers or river segments legislatively-mandated for study and other rivers determined by the Forest Service to be eligible or suitable for inclusion in the National System must have certain interim protection measures. These protection measures apply until a decision is made on the future use of the river and adjacent lands through an Act of Congress or a suitability decision. Along with the interim management direction provided here, additional statutory, regulatory, or policy requirements may also apply if the study river is located within a wilderness area or other designated area (FSM 2354.42e).

82.51 – Legislatively-Mandated Study Rivers (5(a) Study Rivers)

Legislatively-mandated study rivers (as defined in sec. 5(a) of the WSR Act) are afforded statutory protection under the Act, including the requirements in section 7(b), water resources projects; section 8(b), land disposition; section 9(b), mining and mineral leasing; and section 12(a), management policies.

For all legislatively-mandated study rivers, classification must be maintained as inventoried until the study report is received by Congress and for the protection period specified in the WSR act, even if the study report recommends managing the river at a less restrictive class (such as from wild to scenic or scenic to recreational).

In addition, apply the interim protections identified under Forest Service Identified Study Rivers (sec. 82.52).

82.52 – Forest Service-Identified Study Rivers (5(d)(1) Study Rivers)

The planning rule at 36 CFR 219.10 provides for interim management of eligible or suitable rivers or segments, to protect their values prior to a congressional decision whether to designate them as part of the National System:

The plan must provide plan components, including standards and guidelines, to provide for:

...

(b) (v) Protection of designated wild and scenic rivers as well as management of rivers found eligible or determined suitable for the National Wild and Scenic River

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system to protect the values that provide the basis for their suitability for inclusion in the system. (36 CFR 219.10)

During interim management of eligible or suitable rivers, the following management guidelines are to be used when planning and implementing projects and activities on the NFS for each of the river classifications in this section.

A responsible official may authorize site-specific projects and activities on NFS lands within eligible or suitable river corridors only where the project and activities are consistent with all of the following:

1. The free-flowing character of the identified river is not modified by the construction or development of stream impoundments, diversions, or other water resources projects.
2. Outstandingly remarkable values of the identified river area are protected.
3. For all Forest Service identified study rivers, classification must be maintained as inventoried unless a suitability study is completed that recommends management at a less restrictive classification (such as from wild to scenic or scenic to recreational).

82.53 – Management Guidelines for 5(a) Study Rivers and 5(d)(1) Eligible or Suitable Study Rivers

The following guidelines apply to interim management of legislatively-mandated study rivers (sec. 5(a) of the WSR Act), and eligible or suitable Forest Service-identified study rivers (sec. 5(d)(1) of the WSR Act). Responsible officials should apply these on NFS lands, or where the Forest Service holds an interest on non-Federal lands, such as scenic or access easements to protect river values.

The following protection guidelines apply until a decision is made on the future use of the river and adjacent lands through an Act of Congress or a suitability decision. Section 5(a) study rivers must be protected, as directed in sections 7(b), 8(b), 9(b), and 12(a) of the WSR Act for the period specified in section 7(b). The protection period is 3 years from the date the study report is transmitted to the Congress. The protection necessary to maintain a 5(d)(1) study river as a potential wild and scenic river may be modified or discontinued for identified rivers upon a finding of ineligibility or non-suitability. A river determined through a suitability study not to be suitable shall no longer be considered eligible and interim protection measures no longer need to be applied to those rivers. Results of a suitability study may create a need for a plan amendment. See the review and approval process in section 84 of this chapter.

A responsible official may authorize site-specific projects and activities on NFS lands within legislatively-mandated study river corridors (5(a)), or eligible or suitable Forest Service-identified study (5(d)(1)) river corridors where the project and activities are consistent with the following:

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**1. Water Resources Projects (Water Supply/Flood Control).**

Wild, Scenic, Recreational. Development of water supply dams, diversions, flood control works, and other water resources projects on a section 5(a) study river shall be analyzed under section 7(b) of the Act. A water resources project is defined in 36 CFR part 297 as the construction of developments that affect the river's free-flowing characteristics. Water resources projects determined to have a direct and adverse effect on river values (free-flow, water quality, and outstandingly remarkable values) under section 7(b) are prohibited. Water resources projects proposed on a section 5(d)(1) study river are not subject to section 7(b), but will be analyzed as to their effect on a river's free-flow, water quality, and outstandingly remarkable values, with adverse effects prevented to the extent of existing agency authorities (such as special-use authority).

2. Hydroelectric Power.

Wild, Scenic, Recreational. Development of hydroelectric power facilities is not allowed on or directly affecting a section 5(a) study river. This provision of section 7(b) of the act is interpreted as a prohibition of new hydroelectric facilities within the study boundary. Section 5(d)(1) study rivers found eligible are to be protected pending a suitability determination. Protect section 5(d)(1) study rivers found suitable for inclusion in the National System for their free-flowing condition, water quality, and outstandingly remarkable values.

3. Minerals.**a. Wild.**

(1) Locatable. Subject to valid existing rights, mining claims are prohibited within 1/4 mile of a section 5(a) study river under section 9(b) of the act. Existing mining activity on a section 5(a) study river and existing or new mining activity on a section 5(d)(1) study river are subject to regulations in 36 CFR part 228 and must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment.

(2) Leasable. Leases, licenses, and permits under mineral leasing laws are subject to conditions necessary to protect the values of the river corridor in the event it is subsequently included in the National System.

(3) Saleable. Disposal of saleable mineral material is prohibited to protect river values.

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- b. Scenic, Recreational.
- (1) Locatable. Subject to valid existing rights, mining claims are prohibited within 1/4 mile of a section 5(a) study river under section 9(b) of the Act. Existing mining activity on a section 5(a) study river and existing or new mining activity on a section 5(d)(1) study river are subject to regulations in 36 CFR part 228 and must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment.
- (2) Leasable. Leases, licenses, and permits under mineral leasing laws would be subject to conditions necessary to protect the values of the river corridor in the event it is subsequently included in the National System.
- (3) Saleable. Saleable mineral material disposal is allowed if the values for which the river may be included in the National System are protected.
4. Transportation System.
- a. Wild. New roads are not generally compatible with this classification. A few existing roads leading to the boundary of the river corridor may be acceptable. New trail construction should generally be designed for nonmotorized uses. However, limited motorized uses that are compatible with identified values and unobtrusive trail bridges may be allowed. New airfields may not be developed.
- b. Scenic. New roads and railroads are permitted to parallel the river for short segments or bridge the river if such construction fully protects river values (including river's free-flowing character). Bridge crossings and river access are allowed. New trail construction or airfields must be compatible with and fully protect identified values.
- c. Recreational. New roads and railroads are permitted to parallel the river if such construction fully protects river values (including river's free-flowing character). Bridge crossings and river access are allowed. New trail construction or airfields must be compatible with and fully protect identified values.
5. Utility Proposal.
- a. Wild, Scenic, Recreational. New transmission lines such as gas lines, water lines, and so forth are discouraged. Where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are indicated, the project must be evaluated as to its effect on the river's outstandingly remarkable values and classification. Any portion of a utility proposal that has the potential to affect the river's free-flowing character must be evaluated as a water resources project.

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a. Wild. As articulated in the USDA-USDI Guidelines, major public-use areas such as large campgrounds, interpretive centers, or administrative headquarters shall be located outside the river corridor. Minimum facilities, such as toilets and refuse containers, may be provided if necessary to protect and enhance water quality and other identified river values, while also providing for public recreation uses, which do not adversely impact or degrade those values. All facilities must be located and designed to harmonize with their primitive character, natural and cultural settings. The facilities must protect identified river values including water quality, and be screened from view from the river to the extent possible.

b. Scenic. Public-use facilities such as moderate-size campgrounds, simple sanitation and convenience facilities, public information centers, administrative sites, or river access developments and so forth are allowed within the river corridor. All facilities must be located and designed to harmonize with their natural and cultural settings, protect identified river values including water quality, and be screened from view from the river to the extent possible.

c. Recreational. Recreation, administrative, and river access facilities may be located in close proximity to the river. However, recreational classification does not require extensive recreation development. All facilities must be located and designed to harmonize with their natural and cultural settings, protect identified river values including water quality, and be screened from view from the river to the extent possible.

7. Motorized Travel.

a. Wild. Motorized travel on land or water may be permitted, but is generally not compatible with this classification.

b. Scenic, Recreational. Motorized travel on land or water may be permitted, prohibited, or restricted to protect the river values.

8. Wildlife and Fish Projects.

a. Wild. Construction of minor structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's essentially primitive character and fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing character must be evaluated as a water resources project.

b. Scenic. Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's largely

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undeveloped character and fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the free-flowing character must be evaluated as a water resources project.

c. Recreational. Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing character must be evaluated as a water resources project.

9. Vegetation Management.

a. Wild. Cutting of trees and other vegetation is not permitted except when needed in association with a primitive recreation experience such as to clear trails or to protect users or the environment, including wildfire suppression. Prescribed fire and wildfires managed to meet resource objectives may be used to restore or maintain habitat for threatened, endangered, or sensitive species and/or restore the historic range of variability.

b. Scenic, Recreational. A range of vegetation management and timber harvest practices are allowed, if these practices are designed to protect users, or protect, restore, or enhance the river environment, including the long-term scenic character.

10. Domestic Livestock Grazing.

a. Wild. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable, including the area's essentially primitive character.

b. Scenic. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable, including the area's largely undeveloped character.

c. Recreational. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**82.54 – Land Management Plan Guidance**

While land management plans need not duplicate the interim management guidelines specified in section 82.53, plan components must be consistent with these interim river management guidelines. As a result, land management plans should include the following, as appropriate:

1. For interim management of legislatively-mandated study rivers (sec. 5(a)) or Forest Service-identified eligible or suitable rivers (sec. 5(d)(1)), the plan should include the desired conditions, and other plan components for the design of projects and activities consistent with management guidelines of eligible or suitable rivers (sec. 82.53).
2. For designated river corridors, the designated area (FSM 1921.16) description should include the desired conditions, and other plan components for the design of projects and activities consistent with the USDA-USDI Guidelines.

83 – THE STUDY PROCESS

A detailed study report must be prepared for all legislatively-mandated study rivers under section 5(a) of the WSR Act, and for all other rivers identified by the Forest Service as eligible for inclusion in the National System (sec. 5(d)(1) of the WSR Act). The purpose of the study report is to document the Forest Service's analysis and conclusions on the eligibility and suitability of 5(a) rivers and the suitability of eligible 5(d)(1) rivers for designation as components of the National System.

83.1 – Wild and Scenic River Study in Land Management Plans

When a Forest Service-identified river study (sec. 5(d)(1)) is accomplished in the land management planning process, address all potential wild and scenic rivers flowing wholly or partially on NFS lands as identified in the Nationwide Rivers Inventory and by other sources (sec. 81). Unless a systematic inventory of eligible rivers has been completed (sec. 81.2), the land management planning team should develop and conduct a process to determine which rivers meet the eligibility criteria specified in section 82.1. Document the finding of ineligibility (sec. 82.2), or eligibility and the river's potential classification, in the land management plan EIS.

The appropriate timing of a suitability evaluation may vary. The preferred approach is to proceed with determining suitability in the land management planning process. Another approach is to do a study after the land management plan is approved or revised. If the suitability determination is not made in the land management planning process, the plan must provide for protection of the eligible river corridor(s) until a decision is made on the future use of the river and adjacent lands (sec. 82.5).

Legislatively mandated studies (sec.5(a)) should be included in the land management plan when the plan revision and the legislatively-mandated river study period are compatible. The study

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must meet the specific statutory requirements (sec. 84.2) and make a determination if the river is both eligible and suitable for designation, or ineligible or non-suitable for designation. See FSH 1909.15 to determine the applicable NEPA documentation.

83.11 – Wild and Scenic River Suitability Study in Land Management Plan

When a wild and scenic river suitability study is conducted in the revision of the land management plan, the EIS accompanying the land management plan should address suitability factors (sec.82.4), related to the study. The EIS should discuss the existing conditions and likely environmental consequences on the identified river values and other resource activities, should the river segment be added to the National System.

83.12 – Contents of Wild and Scenic River Appendix

The EIS for developing or revising a land management plan should contain a single appendix for all rivers studied. This appendix should be able to facilitate extraction of information supporting the recommendation to Congress of an individual river or river segment. Within the appendix, there should be separate and detailed river narratives for each river segment evaluated in the planning process and a detailed map of each river corridor. The river narrative is a synopsis of the pertinent information related to eligibility, classification, and suitability factors.

83.2 – Wild and Scenic River Suitability Study Separate from Land Management Plan

When a 5(d)(1) wild and scenic river suitability study is not conducted in revision of the land management plan or when Congress mandates a 5(a) study with a due date not compatible with land management plan revision, a combined study report and applicable NEPA document pursuant to NEPA may be prepared. (See FSH 1909.15 to determine the applicable NEPA documentation.) Where an administrative unit contains more than one river previously identified as eligible or a river identified by Congress for study, the responsible official may combine study of such rivers into a comprehensive study report for all of these rivers as long as this approach meets Congressionally mandated deadlines and specific statutory requirements for any 5(a) study rivers (sec. 84.2).

To meet the requirements of NEPA, Council on Environmental Quality regulations (40 CFR parts 1500-1508), FSM 1950, and FSH 1909.15, the river study report should be combined with the applicable NEPA document. The combined study report/applicable NEPA document needs to meet the content and format requirements of both the study report and the NEPA regulations.

Follow the procedures in FSH 1909.15. A study report/applicable NEPA document covering more than one river, such as a forest, grassland, prairie, or other comparable administrative unit-wide study report, should follow the same NEPA requirements as study report/applicable NEPA document for an individual river.

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The USDA-USDI Guidelines describe the way in which the required information should be presented in the study report. The following chapters should be included in the study report/applicable NEPA document:

Summary**Table of Contents**

Chapter I	Purpose and Need for Action
Chapter II	Description of Area
Chapter III	Findings of Eligibility and Classification
Chapter IV	Alternatives Including the Proposed Action
Chapter V	Environmental Consequences
Chapter VI	Distribution of the Report
Chapter VII	List of Preparers
Appendix	

83.21 – Purpose and Need for Action - Chapter I

State the proposed action, normally to study a river to determine eligibility or suitability for potential inclusion in the National System. In cases where a forest, grassland, prairie, or other comparable administrative unit has a specific proposal, the proposed action may be a suitability recommendation for specific rivers or river segments by classification.

1. State the purpose and need for the proposal; for example, the underlying objective of the proposed action.
2. Explain why the proposed action is needed, citing the intent of the WSR Act to protect the study river's free-flowing character, water quality, and outstandingly remarkable values.
3. Describe the programmatic, as opposed to site-specific, nature of the study report/applicable NEPA document.
4. Explain the roles of the Forest Service, Secretary of Agriculture, and Congress in the study process.
5. Indicate whether the river study was conducted in response to Congressional direction (sec. 5(a)) or identification in the land management planning process (sec. 5(d)(1)).
6. Explain the concept of a combined study report/applicable NEPA document.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**83.22 – Description of Area - Chapter II**

This chapter is an overall description of the river corridor and the surrounding area. Provide the status of landownership and use in the area, a brief description of the regional setting, and clear and detailed maps and illustrations that show the area covered by the report. Describe as specifically as possible any potential developments such as water resource projects, roads, or private land use conversions.

83.23 – Findings of Eligibility and Classification - Chapter III

Summarize the eligibility determination to provide a clear and concise description of the river and its immediate environment. This section should focus on the river's free-flowing character and outstandingly remarkable values. Describe the unique, rare, or exemplary nature of the river's values (sec. 82.14). The description of river values should enable persons who have never seen the river to determine that the river has outstanding values worthy of protection.

Potential classification should be based on the situation existing at the time of the study. It should not anticipate expected development or other changes along the river corridor; this is an aspect of evaluating suitability documented in chapters IV and V. The criteria listed in the USDA-USDI Guidelines are presented in section 82.3, exhibit 01.

83.24 – Alternatives - Chapter IV

The suitability of the river for designation should be evaluated with alternatives. Alternatives must reflect pertinent issues and opportunities, while meeting the purpose and need of the proposal to some extent (except the no action alternative).

An analysis of the existing situation provides the foundation for alternatives. The impacts of continuing present trends and uses should be identified in order to formulate reasonable alternatives.

The type and range of alternatives to consider will vary depending on the affected environment, issues, and opportunities associated with each specific river. However, every study report/applicable NEPA document must present an array of alternatives broad enough to encompass all reasonable proposals for use of the river area.

If the emphasis of the alternative is to protect the outstandingly remarkable values by means other than designation, describe any plan components needed, including guidelines. In all alternatives, include such guidelines as integral parts of the alternative.

In addition to a no action alternative that maintains current management, study reports generally include the following types of alternatives:

1. National designation of all eligible segments of the river.

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2. Protection of eligible segments by means other than national designation.
3. Designation of some eligible segments. An alternative may also include a recommendation of eligible segment(s) at a less restrictive classification (for example, scenic to recreational) to allow a specific resource activity.

83.25 – Environmental Consequences - Chapter V

This chapter presents, by alternative, the reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed. State the general reasons and principles for acquisition of land or interest in land as the basis for disclosure of consequences. Include an estimate of the kinds and amounts of public use that can be accommodated without long-term or irreversible impacts on the values of the river area. Describe guidelines needed to meet the emphasis of each alternative, including their effectiveness. Refer to section 82.4 for additional guidance on suitability studies. These principles and measures will provide the basis for a management plan should Congressional designation of the river corridor occur.

83.26 – Distribution of the Report – Chapter VI

Follow the guidance in FSH 1909.15 for the preparation of this chapter.

83.27 – List of Preparers – Chapter VII

Follow the guidance in FSH 1909.15 for the preparation of this chapter.

83.28 – Appendix

Follow the guidance in FSH 1909.15 for the preparation of this chapter.

83.3 – Joint Study – Forest Service-Identified Study River

Where a Forest Service identified study river (sec. 5(d)(1)) touches only a small part of NFS lands, the lead responsibility for studying the river should rest with either another Federal agency or the State depending on who has jurisdiction over the largest proportion of the lands involved. In this situation, the responsible official should:

1. Contact the other Federal and/or State agency to determine if or when they plan to study the river and/or invite the agency or State to participate in a joint study for the river either as part of the land management planning process or as a separate study report.
2. If the responsible agency or State declines to study the river or if its study schedule does not coincide with the Forest Service land management planning process, protect the river and adjacent lands of the river segment(s) on NFS lands according to section 82.5 of this Handbook (eligible river).

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3. Proceed to assess the segment's suitability on its own merits where the river segment that extends into the NFS lands would make a viable addition to the National System without the remainder of the river.

84 – THE REVIEW AND APPROVAL PROCESS

The procedure for review and approval of the combined wild and scenic river study report/applicable NEPA document varies depending on whether the study was initiated by the Forest Service (under sec. 5(d)(1) of the WSR Act) or directed by Congress (under sec. 5(a) of the WSR Act)..

For a Forest Service-initiated study (sec. 5(d)(1)) in which the agency recommends designation of a river into the National System, follow the procedures in section 84.1 below. If such a study does not recommend a river for inclusion in the National System, the study is then concluded after sections 84.11a(2) and 84.12a(2) below.

For a legislatively-mandated study (sec. 5(a)), follow the process outline in section 84.2 below, regardless of the outcome of the study. However, if a legislatively-mandated study river is found to be not eligible or not suitable, then do not prepare any proposed legislation (sec. 84.23(a)).

84.1 – Forest Service Identified Study

A Forest Service identified study under section 5(d)(1) of the WSR Act may be conducted in land management planning or through a separate study process.

84.11 – Proposals Resulting From Land Management Plan**84.11a – Evaluation**

1. Prepare the proposed land management plan and accompanying draft EIS. Information on rivers that have been evaluated for potential wild and scenic river designation must be included in the appropriate planning documents for public review as described in section 83.1.
2. Prepare the planning documents following analysis of the comments received on the proposed land management plan and draft EIS. A new conclusion (as different from previous published conclusions by the Forest Service) that a river or river segment is not eligible or suitable should be briefly documented in the ROD. A wild and scenic river recommendation in the ROD based on the suitability evaluation in the EIS should be identified as a “preliminary administrative recommendation for wild and scenic river designation.” Use the following statement in the ROD or plan approval document.

This recommendation is a preliminary administrative recommendation that will receive further review and possible

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modification by the Chief of the Forest Service, Secretary of Agriculture, and the President of the United States. The Congress has reserved the authority to make final decisions on designation of rivers as part of the National Wild and Scenic Rivers System.

The plan is effective 30 days after publication of notice of its approval (36 CFR sec.219.17 (a)). Implementation of the plan is not dependent on Congressional designation of the wild and scenic river recommendation.

84.11b – Agency Recommendation

Once a final agency decision has been made and documented, a notification letter documenting the recommendation will be prepared for submittal to Congress. This letter should be forwarded to Congress by the Secretary of Agriculture.

84.2 – Legislatively-Mandated Study**84.21 – Study Report and Applicable National Environmental Policy Act Document**

The responsible official prepares the combined study report and applicable NEPA document for legislatively mandated wild and scenic river study. See FSH 1909.15 to determine the applicable NEPA documentation.

1. The regional forester shall send two copies of the preliminary study report/applicable NEPA document to the Chief for review who authorizes the approval to print or requests to make changes.
2. When the study report/applicable NEPA document is printed, the regional forester shall transmit 10 copies to the Chief. The Washington Office, Director, Wilderness and Wild and Scenic Rivers staff, prepares the transmittal letter from the Secretary to the heads of the following agencies, for a 90-day review as required in section 4(b) of the WSR Act:
 1. Secretary of the Interior.
 2. Secretary of the Army.
 3. Chairman of the Federal Energy Regulatory Commission.
 4. Head of any other affected Federal department or agency.
 5. Governor of the State where the river is located (unless the Federal Government already owns, or has been authorized to purchase, the area within the proposed boundaries).

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**84.22 – Public Notice and Comment**

The Washington Office, Director, Wilderness and Wild and Scenic Rivers staff is responsible for sending any comments received from the other Federal/State officials through the regional forester to the administrative unit conducting the analysis. This unit responds to these and other comments received on the draft study report, prepares a preliminary final study report/applicable NEPA document, and sends two copies upon regional forester concurrence to the Washington Office, Director, Wilderness and Wild and Scenic Rivers staff. Upon the Chief's approval, the responsible administrative unit prints the final study report/applicable NEPA document.

84.23 – Approval Process

After printing of the final study report/applicable NEPA document, the regional forester shall:

1. Prepare a summary information document highlighting key information about the study river including a map showing the segments recommended for designation.
2. Prepare a draft transmittal letter from the President to the Congress (ex. 01). This letter serves as a decision document.

The Region should also send 10 copies of the study report/applicable NEPA document to the Washington Office, Director, Wilderness and Wild and Scenic Rivers staff for background and for coordination with the Office of Management and Budget (OMB) through the Department of Agriculture.

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Honorable (name)
President of the Senate
S-212 Capitol
Washington, D.C. 20510

Dear Mr. President: (or Dear Mr. Speaker)

I take pleasure in transmitting the enclosed study findings and report for the upper White Salmon River. Also enclosed is draft legislation “To amend the Wild and Scenic Rivers Act to designate a segment of the upper White Salmon River in the State of Washington as a component of the National Wild and Scenic Rivers System, and for other purposes.”

The Columbia River Gorge National Scenic Area Act of 1986 (P.L. 99-663) directed the study of the upper White Salmon River for possible designation into the National Wild and Scenic Rivers System. Based on the analysis documented in the enclosed *Final Legislative Environmental Impact Statement and Study Report for the upper White Salmon River*, I strongly support designation of this river and recommend introduction and enactment of the draft bill to preserve its free-flowing condition and outstandingly remarkable scenery, hydrologic and geologic features, and whitewater recreation.

The upper White Salmon River is located in south-central Washington, approximately 60 miles from the Portland metropolitan area and adjacent to the Columbia River Gorge National Scenic Area. A 38.4-mile segment is recommended for designation, from the headwaters of Cascade Creek and the White Salmon River on Mt. Adams (within the Gifford Pinchot National Forest) to the Gilmer Creek confluence. The segment of the White Salmon River from Gilmer Creek downstream to Buck Creek (8 miles) is an existing component of the National Wild and Scenic Rivers System.

The designated segment, which flows entirely through private lands, was added to the National Wild and Scenic Rivers System to protect and enhance the same outstandingly remarkable values identified in the upriver study process. Management activities on lands within the study corridor, and throughout the basin, influence the instream values of the study segment and the designated segment of the river. Adding the study segment, which was expanded to include the upstream headwaters on the national forest, to the National Wild and Scenic Rivers System would result in the entire, free-flowing portion of the White Salmon River being administered as a system in partnership with local, State, and Federal agencies and Indian Tribes.

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Of the 38.4 miles of the upper White Salmon River (including Cascade Creek) recommended for designation, 6.7 miles in the Mt. Adams Wilderness would be classified as “wild” with the remaining 31.7 miles classified as “scenic.” The river segment extending from the boundary of the Gifford Pinchot National Forest downstream to the confluence of Gilmer Creek (18.4 miles) is currently managed under the provisions of a Shoreline Master Plan developed in accordance with the Washington State Shorelines Management Act of 1971. To provide managerial continuity and adequate protection for the predominantly instream resource values, the recommended boundary for this segment is the same as that contained in the Shoreline Master Plan – 200 horizontal feet from the ordinary high-water mark on each side of the river. This proposed river corridor would include approximately 7,279 acres, of which 6,400 acres are National Forest System lands, 12 acres are State of Washington lands, and 867 acres are private lands.

Other alternatives considered in the upper White Salmon River study report include:

Alternative 1 – No action.

Alternative 2 – Manage the river by increasing enforcement of existing laws. The river, from the National Forest boundary downstream to Gilmer Creek, would be recommended for addition to the Washington State Scenic Rivers System.

Alternative 3 – Designate the entire 38.4 miles as a component of the National Wild and Scenic Rivers System. Management would be implemented by a committee composed of the Forest Service, Klickitat County, State of Washington, and the Yakama Indian Nation.

Alternative 4 – Designate the entire 38.4 miles as a component of the National Wild and Scenic Rivers System. Manage the river using a comprehensive program of federal acquisition to enhance river corridor resources and provide significantly more recreation opportunities with management implemented by the Forest Service.

The intent of designating the recommended segments would be to maintain the character of the upper White Salmon River and its immediate shorelines close to the way it appears today. This intent is reflected in the goals of the Shoreline Management Act and the Wild and Scenic Rivers Act. Long-term protection of significant river-corridor resources, including rural lifestyle and local economy, would be provided through existing regulation (with increased enforcement and interagency coordination) supplemented by limited purchase of scenic easements or fee title to lands from willing sellers.

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Designation of the upper White Salmon River would not have a significant effect on other resource values in the area. There are no proposed water resource developments, mining claims, or current mineral leases on the recommended section of this river. Potential timber harvest would not be significantly reduced. Recreational use in the river corridors is expected to increase slightly because of improved public access. Designation would also support continuation of agricultural practices on private lands.

A high level of public and other agency involvement was a key part of the study process and led to agreement on the recommendation of the designation of the upper White Salmon River as a component of the National Wild and Scenic Rivers System. The Klickitat County Board of Commissioners supports the designation of the entire White Salmon River.

The outstanding natural, scenic, and recreational values of the recommended segment of the upper White Salmon River are unique and irreplaceable resources. Adding this 38.4-mile segment to the existing White Salmon Wild and Scenic River would provide the best protection of the river and its immediate environment.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

President of the United States

Enclosures

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK**84.23a – Office of Management and Budget Coordination**

1. The Washington Office, Director, Legislative Affairs staff, works with the Region in preparation of proposed legislation for the designation(s) recommended in the study report. This legislation is in the form of an amendment to the Wild and Scenic Rivers Act. The proposed legislation and supporting documentation are transmitted to the Secretary of Agriculture with a cover letter for transmittal to OMB.
2. OMB coordinates the final review with other Federal agencies, and recommended changes resulting from this interagency review are usually incorporated into the transmittal letter or wording of the draft legislation. Occasionally, where significant changes occur, it may be necessary to revise the study report/applicable NEPA document.
3. When the OMB review is complete, the President signs and forwards the transmittal letter and legislative proposal including the study report/applicable NEPA document to the Congress. Copies of the study report/applicable NEPA document and the transmittal letter are then distributed to the public by the responsible administrative unit.

The proposal then awaits legislative action by the Congress.

85 – DESIGNATION

Rivers are designated as part of the National System as specified in section 2(a) of the WSR Act through:

1. An Act of Congress. Designated rivers are managed by one of four Federal agencies: the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the USDA Forest Service.
2. Secretary of the Interior. This designation process requires an act of the legislature of the State or States through which a river flows, and subsequent application by the Governor(s) of the concerned State(s) to the Secretary of the Interior.



**FOREST SERVICE HANDBOOK
NATIONAL HEADQUARTERS (WO)
WASHINGTON, DC**

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CHAPTER 90 –REFERENCES

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
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New Document	1909.12_90	4 Pages
Superseded Document(s) by Issuance Number and Effective Date	1909.12_9, contents (Amendment 1909.12-92-1, 08/03/1992) 1909.12_9 (Amendment 1909.12-92-1, 08/03/1992)	1 Page 2 Pages

Digest:

90 - Recodes chapter (parent text) from a 1-digit chapter to a 2-digit chapter. Revises chapter in its entirety.

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91 – AUTHORITY

This section displays major statutes, regulations, and guidelines needed to carry out the procedures in this Handbook.

91.1 - Planning

Exhibit 01 consists of the text of the Forest and Rangeland Renewable Resources Planning Act as amended by the National Forest Management Act (NFMA).

Exhibit 02 consists of the text of 36 CFR 219 governing land and resource management planning published in the Federal Register on April 9, 2012.

Exhibit 03 consists of the text of 36 CFR 219 published in the Federal Register on November 9, 2000.

Exhibit 04 consists of the text of 36 CFR 219 published in the Federal Register on September, 30, 1982.

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PLANNING ACT OF 1974**

(Public Law 93–378; Approved August 17, 1974)

AN ACT To provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the productivity and other values of certain of the Nation's lands and resources, and for other purposes. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SEC 1. This Act may be cited as the “Forest and Rangeland Renewable Resources Planning Act of 1974”.

SEC. 2.FINDINGS.—The Congress finds that—

(1) the management of the Nation's renewable resources is highly complex and the uses, demand for, and supply of the various resources are subject to change over time;

(2) the public interest is served by the Forest Service, Department of Agriculture, in cooperation with other agencies, assessing the Nation's renewable resources, and developing and preparing a national renewable resource program which is periodically reviewed and updated;

(3) to serve the national interest, the renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangelands, through analysis of environmental and economic impacts, coordination of multiple use and sustained yield opportunities as provided in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528–531), and public participation in the development of the program;

(4) the new knowledge derived from coordinated public and private research programs will promote a sound technical and ecological base for effective management, use, and protection of the Nation's renewable resources;

(5) inasmuch as the majority of the Nation's forests and rangeland is under private, State, and local governmental management and the Nation's major capacity to produce goods and services is based on these nonfederally managed renewable resources, the Federal Government should be a catalyst to encourage and assist these owners in the efficient long-term use and improvement of these lands and their renewable resources consistent with the principles of sustained yield multiple use;

(6) the Forest Service, by virtue of its statutory authority for management of the National Forest System, research and cooperative programs, and its role as an agency in the Department of Agriculture, has both a responsibility and an opportunity to be a leader in assuring that the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity; and

(7) recycled timber product materials are as much a part of our renewable forest resources as are the trees from which they originally came, and in order to extend our timber and timber fiber resources and reduce pressures for timber production from Federal lands, the Forest Service should expand its research in the use of recycled and waste timber product materials, develop

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techniques for the substitution of these secondary materials for primary materials, and promote and encourage the use of recycled timber product materials.

SEC. 3. RENEWABLE RESOURCE ASSESSMENT.—(a) In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Renewable Resource Assessment (hereinafter called the "Assessment"). The Assessment shall be prepared not later than December 31, 1975, and shall be undated during 1979 and each tenth year thereafter, and shall include but not be limited to—

(1) an analysis of present and anticipated uses, demand for, and supply of the renewable resources, with consideration of the international resource situation, and an emphasis of pertinent supply and demand and price relationship trends;

(2) an inventory, based on information developed by the Forest Service and other "Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities;

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands;

(5) an analysis of the potential effects of global climate change on the condition of renewable resources on the forests and rangelands of the United States; and

(6) an analysis of the rural and urban forestry opportunities to mitigate the buildup of atmospheric carbon dioxide and reduce the risk of global climate change,

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows: "The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the forest and range lands of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be

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fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated not to exceed \$20,000,000 in any fiscal year to carry out the purposes of this section.”

(c) The Secretary shall report in the 1979 and subsequent Assessments on:

(1) the additional fiber potential in the National Forest System including, but not restricted to, forest mortality, growth, salvage potential, potential increased forest products sales, economic constraints, alternate markets, contract considerations, and other multiple use considerations;

(2) the potential for increased utilization of forest and wood product wastes in the National Forest System and on other lands, and or urban wood wastes and wood product recycling, including recommendations to the Congress for actions which would lead to increased utilization of materials now being wasted both in the forests and in manufactured products; and

(3) the milling and other wood fiber product fabrication facilities and their location in the United States, noting the public and private forested areas that supply such facilities, assessing the degree of utilization into product form of harvested trees by such facilities, and setting forth the technology appropriate to the facilities to improve utilization either individually or in aggregate units of harvested trees and to reduce wasted wood fibers. The Secretary shall set forth a program to encourage the adoption by these facilities of these technologies for improving wood fiber utilization.

(d) In developing the reports required under subsection (c) of this section, the Secretary shall provide opportunity for public involvement and shall consult with other interested governmental departments and agencies.

(d)(1) It is the policy of the Congress that all forested lands in the National Forest System shall be maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans. Accordingly, the Secretary is directed to identify and report to the Congress annually at the time of submission of the President’s budget together with the annual report provided for under section 8(c) of this Act, beginning with submission of the President’s budget for fiscal year 1978, the amount and location by forests and States and by productivity class, where practicable, of all lands in the National Forest System where objectives of land management plans indicate the need to reforest areas that have been cut-over or otherwise denuded or deforested, and all lands with stands of trees that are not growing at their best potential rate of growth. All national forest lands treated from year to year shall be examined after the first and third growing seasons and certified by the Secretary in the report provided for under this subsection as to stocking rate, growth rate in relation to potential and other pertinent measures. Any lands not certified as satisfactory shall be returned to the backlog and scheduled for prompt treatment. The level and types of treatment shall be those which secure the most effective mix of multiple use benefits.

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(2) Notwithstanding the provisions of section 9 of this Act, the Secretary shall annually for eight years following the enactment of this subsection, transmit to the Congress in the manner provided in this subsection an estimate of the sums necessary to be appropriated, in addition to the funds available from other sources, to replant and otherwise treat an acreage equal to the acreage to be cut over that year, plus a sufficient portion of the backlog of lands found to be in need of treatment to eliminate the backlog within the eight-year period. After such eight-year period, the Secretary shall transmit annually to the Congress an estimate of the sums necessary to replant and otherwise treat all lands being cut over and maintain planned timber production on all other forested lands in the National Forest System so as to prevent the development of a backlog of needed work larger than the needed work at the beginning of the fiscal year. The Secretary's estimate of sums necessary, in addition to the sums available under other authorities, for accomplishment of the reforestation and other treatment of National Forest System lands under this section shall be provided annually for inclusion in the President's budget and shall also be transmitted to the Speaker of the House and the President of the Senate together with the annual report provided for under section 8(c) of this Act at the time of submission of the President's budget to the Congress beginning with the budget for fiscal year 1978. The sums estimated as necessary for reforestation and other treatment shall include moneys needed to secure seed, grow seedlings, prepare sites, plant trees, thin, remove deleterious growth and underbrush, build fence to exclude livestock and adverse wildlife from regeneration areas and otherwise establish and improve forests to secure planned production of trees and other multiple use values.

(3) Effective for the fiscal year beginning October 1, 1977, and each fiscal year thereafter, there is hereby authorized to be appropriated for the purpose of reforesting and treating lands in the National Forest System \$200,000,000 annually to meet requirements of this subsection (d). All sums appropriated for the purposes of this subsection shall be available until expended.

(e) The Secretary shall submit an annual report to the Congress on the amounts, types, and uses of herbicides and pesticides used in the National Forest System, including the beneficial or adverse effects of such uses.

SEC. 4. RENEWABLE RESOURCE PROGRAM.— In order to provide for periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private Forest Service programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture, utilizing information available to the Forest Service and other agencies within the Department of Agriculture, including data prepared pursuant to section 302 of the Rural Development Act of 1972, shall prepare and transmit to the President a recommended Renewable Resource Program (hereinafter called the "Program"). The Program transmitted to the President may include alternatives, and shall provide in appropriate detail for protection, management, and development

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of the National Forest System, including forest development roads and trails; for cooperative Forest Service programs; and for research. The Program shall be developed in accordance with principles set forth in the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–531), and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321–4347). The Program shall be prepared not later than December 31, 1975, to cover the four-year period beginning October 1, 1976, and at least each of the four fiscal decades next following such period, and shall be updated no later than during the first half of the fiscal year ending September 30, 1980, and the first half of each fifth fiscal year thereafter to cover at least each of the four fiscal decades beginning next after such updating. The Program shall include, but not be limited to—

(1) an inventory of specific needs and opportunities for both public and private program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature;

(2) specific identification of Program outputs, results anticipated, and benefits associated with investments in such a manner that the anticipated costs can be directly compared with the total related benefits and direct and indirect returns to the Federal Government;

(3) a discussion of priorities for accomplishment of inventoried Program opportunities, with specified costs, outputs, results, and benefits;

(4) a detailed study of personnel requirements as needed to implement and monitor existing and ongoing programs; and

(5) Program recommendations which—

(A) evaluate objectives for the major Forest Service programs in order that multiple-use and sustained-yield relationships among and within the renewable resources can be determined;

(B) explain the opportunities for owners of forests and rangeland to participate in programs to improve and enhance the condition of the land and the renewable resource products therefrom;

(C) recognize the fundamental need to protect and, where appropriate, improve the quality of soil, water, and air resources;

(D) state national goals that recognize the interrelationships between and interdependence within the renewable resources;

(E) evaluate the impact of the export and import of raw logs upon domestic timber supplies and prices; and

(F) account for the effects of global climate change on forest and rangeland conditions, including potential effects on the geographic ranges of species, and on forest and rangeland products.

SEC. 5. NATIONAL FOREST SYSTEM RESOURCE INVENTORIES.—As a part of the Assessment, the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System lands and

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renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

SEC. 6. NATIONAL FOREST SYSTEM RESOURCE PLANNING.—(a) As a part of the Program provided for by section 4 of this Act, the Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

(b) In the development and maintenance of land management plans for use on units of the National Forest System, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

(c) The Secretary shall begin to incorporate the standards and guidelines required by this section in plans for units of the National Forest System as soon as practicable after enactment of this subsection and shall attempt to complete such incorporation for all such units by no later than September 30, 1985. The Secretary shall report to the Congress on the progress of such incorporation in the annual report required by section 8(c) of this Act. Until such time as a unit of the National Forest System is managed under plans developed in accordance with this Act, the management of such unit may continue under existing land and resource management plans.

(d) The Secretary shall provide for public participation in the development, review, and revision of land management plans including, but not limited to, making the plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions.

(e) In developing, maintaining, and revising plans for units of the National Forest System pursuant to this section, the Secretary shall assure that such plans—

(1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960, and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness; and

(2) determine forest management systems, harvesting levels, and procedures in the light of all of the uses set forth in subsection (c)(1), the definition of the terms “multiple use” and “sustained yield” as provided in the Multiple-Use Sustained-Yield Act of 1960, and the availability of lands and their suitability for resources management.

(f) Plans developed in accordance with this section shall—

(1) form one integrated plan for each unit of the National Forest System, incorporating in one document or one set of documents, available to the public at convenient locations, all of the features required by this section;

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(2) be embodied in appropriate written material, including maps and other descriptive documents, reflecting proposed and possible actions, including the planned timber sale program and the proportion of probable methods of timber harvest within the unit necessary to fulfill the plan;

(3) be prepared by an interdisciplinary team. Each team shall prepare its plan based on inventories of the applicable resources of the forest;

(4) be amended in any manner whatsoever after final adoption after public notice, and, if such amendment would result in a significant change in such plan, in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section; and

(5) be revised (A) from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every fifteen years, and (B) in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section.

(g) As soon as practicable, but not later than two years after enactment of this subsection, the Secretary shall in accordance with the procedures set forth in section 553 of title 5, United States Code promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960, that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection. The regulations shall include, but not be limited to—

(1) specifying procedures to insure that land management plans are prepared in accordance with the National Environmental Policy Act of 1969, including, but not limited to, direction on when and for what plans an environmental impact statement required under section 102(2)(C) of that Act shall be prepared;

(2) specifying guidelines which—

(A) require the identification of the suitability of lands for resource management;

(B) provide for obtaining inventory data on the various renewable resources, and soil and water, including pertinent maps, graphic material, and explanatory aids; and

(C) provide for methods to identify special conditions or situations involving hazards to the various resources and their relationship to alternative activities;

(3) specifying guidelines for land management plans developed to achieve the goals of the Program which—

(A) insure consideration of the economic and environmental aspects of various systems of renewable resource management, including the related systems of silviculture and protection of forest resources, to provide for outdoor recreation (including wilderness), range, timber, watershed, wildlife, and fish;

(B) 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

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the multiple-use objectives of a land management plan adopted pursuant to this section, 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;

(C) insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;

(D) permit increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement if (i) such practices justify increasing the harvests in accordance with the Multiple-Use Sustained-Yield Act of 1960, and (ii) such harvest levels are decreased at the end of each planning period if such practices cannot be successfully implemented or funds are not received to permit such practices to continue substantially as planned;

(E) insure that timber will be harvested from National Forest System lands only where—

- (i) soil, slope, or other watershed conditions will not be irreversibly damaged;
- (ii) there is assurance that such lands can be adequately restocked within five years after harvest;
- (iii) protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat; and
- (iv) the harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber; and

(F) insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber will be used as a cutting method on National Forest System lands only where—

- (i) for clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan;
- (ii) the interdisciplinary review as determined by the Secretary has been completed and the potential environmental, biological, esthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area;
- (iii) cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain;
- (iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one

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- (v) harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: *Provided*, That such limits shall not
- (vi) apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and
- (vii) such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.

(h)(1) In carrying out the purposes of subsection (g) of this section, the Secretary of Agriculture shall appoint a committee of scientists who are not officers or employees of the Forest Service. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate upon promulgation of the regulations, but the Secretary may, from time to time, appoint similar committees when considering revisions of the regulations. The views of the committees shall be included in the public information supplied when the regulations are proposed for adoption.

(2) Clerical and technical assistance, as may be necessary to discharge the duties of the committee, shall be provided from the personnel of the Department of Agriculture.

(3) While attending meetings of the committee, the members shall be entitled to receive compensation at a rate of \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(i) Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans. Those resource plans and permits, contracts, and other such instruments currently in existence shall be revised as soon as practicable to be made consistent with such plans. When land management plans are revised, resource plans and permits, contracts, and other instruments, when necessary, shall be revised as soon as practicable.

(j) Land management plans and revisions shall become effective thirty days after completion of public participation and publication of notification by the Secretary as required under section 6(d) of this Act.

(k) In developing land management plans pursuant to this Act, the Secretary shall identify lands within the management area which are not suited for timber production, considering physical, economic, and other pertinent factors to the extent feasible, as determined by the Secretary, and shall assure that, except for salvage sales or sales necessitated to protect other multiple-use, values, no timber harvesting shall occur on such lands for a period of 10 years.

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Lands once identified as unsuitable for timber production shall continue to be treated for reforestation purposes, particularly with regard to the protection of other multiple-use values. The Secretary shall review his decision to classify these lands as not suited for timber production at least every 10 years and shall return these lands to timber production whenever he determines that conditions have changed so that they have become suitable for timber production.

(l) The Secretary shall—

(1) formulate and implement, as soon as practicable, a process for estimating long-terms costs and benefits to support the program evaluation requirements of this Act. This process shall include requirements to provide information on a representative sample basis of estimated expenditures associated with the reforestation, timber stand improvement, and sale of timber from the National Forest System, and shall provide a comparison of these expenditures to the return to the Government resulting from the sale of timber; and

(2) include a summary of data and findings resulting from these estimates as a part of the annual report required pursuant to section 8(c) of this Act, including an identification on a representative sample basis of those advertised timber sales made below the estimated expenditures for such timber as determined by the above cost process; and

(m) The Secretary shall establish—

(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated on the basis of cubic measurement or other methods of calculation at the discretion of the Secretary): *Provided:* That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures: *Provided further,* That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; and

(2) exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to be multiple uses of the forest including, but not limited to, recreation, wildlife habitat, and range and after completion of public participation processes utilizing the procedures of subsection (d) of this section.

SEC. 7. COOPERATION IN RESOURCE PLANNING.—The Secretary of Agriculture may utilize the Assessment, resource surveys, and Program prepared pursuant to this Act to assist States and other organizations in proposing the planning for the protection, use, and management of renewable resources on non-Federal land.

SEC. 8. NATIONAL PARTICIPATION.—(a) On the date Congress first convenes in 1976 and thereafter following each updating of the Assessment and the Program, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, when Congress convenes, the Assessment as set forth in section 3 of this Act and the Program as set

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forth in section 4 of this Act, together with a detailed Statement of Policy intended to be used in framing budget requests by that Administration for Forest Service activities for the five- or ten-year program period beginning during the term of such Congress for such further action deemed appropriate by the Congress. Following the transmission of such Assessment, Program, and Statement of Policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such Statement of Policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of ninety calendar days of continuous session of Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such Assessment, Program, and Statement of Policy, either House adopts a resolution reported by the appropriate committee of jurisdiction disapproving the Statement of Policy. For the purpose of this subsection, the continuity of a session shall be deemed to be broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the ninety-day period. Notwithstanding any other provision of this Act, Congress may revise or modify the Statement of Policy transmitted by the President, and the revised or modified Statement of Policy shall be used in framing budget requests.

(b) Commencing with the fiscal budget for the year ending September 30, 1977, requests presented by the President to the Congress governing Forest Service activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under the budget meet the policies approved by the Congress in accordance with subsection (a) of this section. In any case in which such budget so presented recommends a course which fails to meet the policies so established, the President shall specifically set forth the reason or reasons for requesting the Congress to approve the lesser programs or policies presented. Amounts appropriated to carry out the policies approved in accordance with subsection (a) of this section shall be expended in accordance with the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344.

(c) For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary of Agriculture shall prepare an annual report which evaluates the component elements of the Program required to be prepared by section 4 of this Act which shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the third fiscal year after the enactment of their Act. With regard to the research component of the program, the report shall include, but not be limited to, a description of the status of major research programs, significant findings, and how these findings will be applied in National Forest System and in cooperative State and private Forest Service programs. With regard to the cooperative forestry assistance part of the Program, the report shall include, but not be limited to, a description of the

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status, accomplishments, needs, and work backlogs for the programs and activities conducted under the Cooperative Forestry Assistance Act of 1978.

(d) These annual evaluation reports shall set forth progress in implementing the Program required to be prepared by section 4 of this Act, together with accomplishments of the Program as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The report shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. Program benefits shall include, but not be limited to, environmental quality factors such as esthetics, public access, wildlife habitat, recreational and wilderness use, and economic factors such as the excess of cost savings over the value of foregone benefits and the rate of return on renewable resources.

(e) The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted. (f) The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

SEC. 9. NATIONAL FOREST SYSTEM PROGRAM ELEMENTS.—The Secretary of Agriculture shall take such action as will assure that the development and administration of the renewable resources of the National Forest System are in full accord with the concepts for multiple use and sustained yield of products and services as set forth in the Multiple-Uses Sustained-Yield Act of 1960. To further these concepts, the Congress hereby sets the year 2000 as the target year when the renewable resources of the National Forest System shall be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive multiple-use sustained-yield management procedures shall be installed and operating on an environmentally-sound basis. The annual budget shall contain requests for funds for an orderly program to eliminate such backlogs: *Provided*, That when the Secretary finds that (1) the backlog of areas that will benefit by such treatment has been eliminated. (2) the cost of treating the remainder of such area exceeds the economic and environmental benefits to be secured from their treatment, or (3) the total supplies of the renewable resources of the United States are adequate to meet the future needs of the American people, the budget request for these elements of restoration may be adjusted accordingly.

SEC. 10. TRANSPORTATION SYSTEM.—(a) The Congress declares that the installation of a proper system or transportation to service the National Forest System, as is provided for in Public Law 88–657, the Act of October 13, 1964 (16 U.S.C. 532–538), shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits.

(b) Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber

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contract or other permit or lease shall be designed with the goal of reestablishing vegetative cover on the roadway and areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System.

(c) Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources.

SEC. 11. NATIONAL FOREST SYSTEM DEFINED.—(a) Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The “National Forest System” shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010–1012), and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system. Notwithstanding the provisions of the Act of June 4, 1897 (30 Stat. 34; 16 U.S.C. 473), no land now or hereafter reserved or withdrawn from the public domain as national forests pursuant to the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress.

(b) The on-the-ground held offices, field supervisory offices, and regional offices of the Forest Service shall be so situated as to provide the optimum level of convenient, useful services to the public, giving priority to the maintenance and location of facilities in rural areas and towns near the national forest and Forest Service program locations in accordance with the standards in section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended.

SEC. 12. RENEWABLE RESOURCES.—In carrying out this Act, the Secretary of Agriculture shall utilize information and data available from other Federal, State, and private organizations and shall avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies. The term “renewable resources” shall be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service on the date of this Act and on the date of enactment of any legislation amendatory or supplementary thereto.

SEC. 13. LIMITATIONS ON TIMBER REMOVAL.— (a) Secretary of Agriculture shall limit the sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis

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: *Provided*, That, in order to meet overall multiple-use objectives, the Secretary may establish an allowable sale quantity for any decade which departs from the projected long-term average sale quantity that would otherwise be established: *Provided further*, That any such planned departure must be consistent with the multiple-use management objectives of the land management plan. Plans for variations in the allowable sale quantity must be made with public participation as required by section 6(d) of this Act. In addition, within any decade, the Secretary may sell a quantity in excess of the annual allowable sale quantity established pursuant to this section in the case of any national forest so long as the average sale quantities of timber from such national forest over the decade covered by the plan do not exceed such quantity limitation. In those cases where a forest has less than two hundred thousand acres of commercial forest land, the Secretary may use two or more forests for purposes of determining the sustained yield.

(b) Nothing in subsection (a) of this section shall prohibit the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack. The Secretary may either substitute such timber for timber that would otherwise be sold under the plan or, if not feasible, sell such timber over and above the plan volume.

SEC. 14. PUBLIC PARTICIPATION AND ADVISORY BOARDS.—(a) In exercising his authorities under this Act and other laws applicable to the Forest Service, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

(b) In providing for public participation in the planning for and management of the National Forest System, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) and other applicable law, shall establish and consult such advisory boards as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards shall be representative of a cross section of groups interested in the planning for and management of the National Forest System and the various types of use and enjoyment of the lands thereof.

SEC. 15. REGULATIONS .— The Secretary of Agriculture shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this Act.

SEC. 16. SEVERABILITY .— If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

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36 CFR Part 219 Planning

The Planning Regulation governing land and resource management planning published in the Federal Register on April 9, 2012.

PART 219—PLANNING

Subpart A—National Forest System Land Management Planning

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Authority: 5 U.S.C. 301; 16 U.S.C. 1604, 1613.

Source: 77 FR 21260, Apr. 9, 2012.

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CHAPTER 90 - REFERENCES****91.1 - Exhibit 02--continued****36 CFR Part 219 Planning****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 units of 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 for plan components and other content in land management plans. 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 use 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 purpose of this part is to guide the collaborative and science-based development, amendment, and revision of land management plans that promote the ecological integrity of national forests and grasslands and other administrative units of the NFS. Plans will guide management of NFS lands so that they are ecologically sustainable and contribute to social and economic sustainability; consist of ecosystems and watersheds with ecological integrity and diverse plant and animal communities; and have the capacity to provide people and communities with ecosystem services and multiple uses that provide a range of social, economic, and ecological benefits for the present and into the future. These benefits include clean air and water; habitat for fish, wildlife, and plant communities; and opportunities for recreational, spiritual, educational, and cultural benefits.

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

(e) 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), Executive Order 13007 of May 24, 1996, Executive Order 13175 of November 6, 2000, laws, and other requirements 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.

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(f) 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.

(g) The responsible official shall ensure that the planning process, plan components, and other plan content are within Forest Service authority, the inherent capability of the plan area, and the fiscal capability of the unit.

§ 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 strategic planning.* 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 Modernization Act of 2010 (5 U.S.C. 306; 31 U.S.C. 1115–1125; 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) *National Forest System unit planning.* (1) NFS unit planning results in the development, amendment, or revision of a land management plan. A land management plan provides a framework for integrated resource management and for guiding project and activity decisionmaking on 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 plan area is best suited, considering the Agency's mission, the unit's 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. A plan may constrain the Agency from authorizing or carrying out projects and activities, or the manner in which they may occur. 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, CFR, Subpart B, 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 that are in the Forest Service Directive System.

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(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, Natural Resources and Environment; 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 research 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 research station director.

(5) The Chief is responsible for leadership and direction for carrying out the NFS land management planning program under this part. The Chief shall:

(i) Establish planning procedures for this part 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.

(ii) Establish and administer a national oversight process for accountability and consistency of NFS land management planning under this part.

(iii) Establish procedures in the Forest Service Directive System for obtaining inventory data on the various renewable resources, and soil and water.

(c) Project and activity planning. 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.

§ 219.3 Role of science in planning.

The responsible official shall use the best available scientific information to inform the planning process required by this subpart. In doing so, the responsible official shall determine what information is the most accurate, reliable, and relevant to the issues being considered. 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.

§ 219.4 Requirements for public participation.

(a) Providing opportunities for participation. The responsible official shall provide opportunities to the public for participating in the assessment process; developing a plan proposal, including the monitoring program; commenting on the proposal and the disclosure of its environmental impacts in accompanying NEPA documents; and reviewing the results of monitoring

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information. 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. The responsible official should be proactive and use contemporary tools, such as the internet, to engage the public, and should share information in an open way with interested parties. 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 decisionmaking authority and responsibility for all decisions throughout the process.

(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.
- (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.

(2) Consultation with federally recognized Indian Tribes and Alaska Native Corporations. The Department recognizes 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.

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(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.

(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 the planning and land use policies of federally recognized Indian Tribes (43 U.S.C. 1712(b)), Alaska Native Corporations, other Federal agencies, and State and local governments, where relevant to the plan area. The results of this review 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 developing the plan's desired conditions or objectives.

(3) Nothing in this section should be read to indicate that the responsible official will seek to direct or control management of lands outside of the plan area, nor will the responsible official conform management to meet non-Forest Service objectives or policies.

§ 219.5 Planning framework.

(a) Planning for a national forest, grassland, prairie, or other comparable administrative unit of the NFS is an iterative process that includes assessment (§ 219.6); developing, amending, or revising a plan (§§ 219.7 and 219.13); and monitoring (§ 219.12). These three phases of the framework are complementary and may overlap. The intent of this framework is to create a responsive planning process that informs integrated resource management and allows the Forest Service to adapt to changing conditions, including climate change, and improve management based on new information and monitoring.

(1) Assessment. Assessments rapidly evaluate existing information about relevant ecological, economic, and social conditions, trends, and sustainability and their relationship to the land management plan within the context of the broader landscape. The responsible official shall consider and evaluate existing and possible future conditions and trends of the plan area, and assess the sustainability of social, economic, and ecological systems within the plan area, in the context of the broader landscape (§ 219.6).

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(i) The process for developing or revising a plan includes: assessment, preliminary identification of the need to change the plan based on the assessment, development of a proposed plan, consideration of 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, and, finally, approval of the plan or plan revision. A new plan or plan revision requires preparation of an environmental impact statement.

(ii) The process for amending a plan includes: preliminary identification of the need to change the plan, development of a proposed amendment, consideration of the environmental effects of the proposal, providing an opportunity to comment on the proposed amendment, providing an opportunity to object before the proposal is approved, and, finally, approval of the plan amendment. The appropriate NEPA documentation for an amendment may be an environmental impact statement, an environmental assessment, or a categorical exclusion, depending upon the scope and scale of the amendment and its likely effects.

(3) *Monitoring.* Monitoring is continuous and provides feedback for the planning cycle by testing relevant assumptions, tracking relevant conditions over time, and measuring management effectiveness (§ 219.12). The monitoring program includes plan-level and broader-scale monitoring. The plan-level monitoring program is informed by the assessment phase; developed during plan development, plan amendment, or plan revision; and implemented after plan decision. The regional forester develops broader-scale monitoring strategies. Biennial monitoring evaluation reports document whether a change to the plan or change to the monitoring program is warranted based on new information, whether a new assessment may be needed, or whether there is no need for change at that time.

(b) *Interdisciplinary team(s).* The responsible official shall establish an interdisciplinary team or teams to prepare assessments; new plans, plan amendments, and plan revisions; and plan monitoring programs.

§ 219.6 Assessment.

The responsible official has the discretion to determine the scope, scale, and timing of an assessment described in § 219.5(a)(1), subject to the requirements of this section.

(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:

(1) Identify and consider relevant existing information contained in governmental or non-governmental assessments, plans, monitoring reports, studies, and other sources of relevant information. Such sources of information may include State forest assessments and strategies, the Resources Planning Act assessment, ecoregional assessments, non-governmental reports, State comprehensive outdoor recreation plans, community wildfire protection plans, public transportation plans, State wildlife data and action plans, and relevant Agency or interagency

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reports, resource plans or assessments. Relevant private information, including relevant land management plans and local knowledge, will be considered if publicly available or voluntarily provided.

(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.

(3) Document the assessment in a report available to the public. The report should document information needs relevant to the topics of paragraph (b) of this section. Document in the report how the best available scientific information was used to inform the assessment (§ 219.3). Include the report in the planning record (§ 219.14).

(b) *Content of the assessment for plan development or revision.* In the assessment for plan development or revision, the responsible official shall identify and evaluate existing information relevant to the plan area for the following:

- (1) Terrestrial ecosystems, aquatic ecosystems, and watersheds;
- (2) Air, soil, and water resources and quality;
- (3) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change;
- (4) Baseline assessment of carbon stocks;
- (5) Threatened, endangered, proposed and candidate species, and potential species of conservation concern present in the plan area;
- (6) Social, cultural, and economic conditions;
- (7) Benefits people obtain from the NFS planning area (ecosystem services);
- (8) Multiple uses and their contributions to local, regional, and national economies;
- (9) Recreation settings, opportunities and access, and scenic character;
- (10) Renewable and nonrenewable energy and mineral resources;
- (11) Infrastructure, such as recreational facilities and transportation and utility corridors;
- (12) Areas of tribal importance;
- (13) Cultural and historic resources and uses;
- (14) Land status and ownership, use, and access patterns; and
- (15) Existing designated areas located in the plan area including wilderness and wild and scenic rivers and potential need and opportunity for additional designated areas.

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(c) *Plan amendment assessments.* Where the responsible official determines that a new assessment is needed to inform an amendment, the responsible official has the discretion to determine the scope, scale, process, and content for the assessment depending on the topic or topics to be addressed.

§ 219.7 New plan development or plan revision.

(a) *Plan revisions.* A plan revision creates a new plan for the entire plan area, 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. But, the responsible official has the discretion to determine at any time that conditions on a plan area have changed significantly such that a plan must be revised (16 U.S.C. 1604(f)(5)).

(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.* (1) The process for developing or revising a plan includes: public notification and participation (§§ 219.4 and 219.16), assessment (§§ 219.5 and 219.6), 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. A new plan or plan revision requires preparation of an environmental impact statement.

(2) In developing a proposed new plan or proposed plan revision, the responsible official shall:

(i) Review relevant information from the assessment and monitoring to identify a preliminary need to change the existing plan and to inform the development of plan components and other plan content.

(ii) Consider the goals and objectives of the Forest Service strategic plan (§ 219.2(a)).

(iii) Identify the presence and consider the importance of various physical, biological, social, cultural, and historic resources on the plan area (§ 219.6), with respect to the requirements for plan components of §§ 219.8 through 219.11.

(iv) Consider conditions, trends, and stressors (§ 219.6), with respect to the requirements for plan components of §§ 219.8 through 219.11.

(v) Identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation.

(vi) Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented and there are no changed circumstances that warrant additional review.

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(vii) Identify existing designated areas other than the areas identified in paragraphs (c)(2)(v) and (c)(2)(vi) of this section, and determine whether to recommend any additional areas for designation. If the responsible official has the delegated authority to designate a new area or modify an existing area, then the responsible official may designate such area when approving the plan, plan amendment, or plan revision.

(viii) Identify the suitability of areas for the appropriate integration of resource management and uses, with respect to the requirements for plan components of §§ 219.8 through 219.11, including identifying lands which are not suitable for timber production (§ 219.11).

(ix) Identify the maximum quantity of timber that may be removed from the plan area (§ 219.11(d)(6)).

(x) Identify questions and indicators for the plan monitoring program (§ 219.12).

(xi) Identify potential other content in the plan (paragraph (f) of this section).

(3) The regional forester shall identify the species of conservation concern for the plan area in coordination with the responsible official.

(d) *Management areas or geographic areas.* Every plan must have management areas or geographic areas or both. The plan may identify designated or recommended designated areas as management areas or geographic areas.

(e) *Plan components.* Plan components guide future project and activity decisionmaking. The plan must indicate whether specific plan components apply to the entire plan area, to specific management areas or geographic areas, or to other areas as identified in the plan.

(1) *Required plan components.* Every plan must include the following plan 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 be based on 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 purpose of the guideline is met. (§ 219.15(d)(3)).

Guidelines are established to help achieve or maintain a desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.

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(v) *Suitability of lands.* Specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. The plan will also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. The suitability of lands need not be identified for every use or activity. Suitability identifications may be made after consideration of historic uses and of issues that have arisen in the planning process. Every plan must identify those lands that are not suitable for timber production (§ 219.11).

(2) *Optional plan 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, but do not include completion dates.

(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 use (§ 219.10), and timber (§ 219.11).

(f) *Other content in the plan.* (1) *Other required content in the plan.* Every plan must:

- (i) Identify watershed(s) that are a priority for maintenance or restoration;
- (ii) Describe the plan area's distinctive roles and contributions within the broader landscape;
- (iii) Include the monitoring program required by § 219.12; and
- (iv) Contain information reflecting proposed and possible actions that may occur on the plan area during the life of the plan, including: the planned timber sale program; timber harvesting levels; and the proportion of probable methods of forest vegetation management practices expected to be used (16 U.S.C. 1604(e)(2) and (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)).

(2) *Optional content in the plan.* A plan may include additional content, such as potential management approaches or strategies and partnership opportunities or coordination activities.

§ 219.8 Sustainability.

The plan must provide for social, economic, and ecological sustainability within Forest Service authority and consistent with the inherent capability of the plan area, as follows:

(a) *Ecological sustainability.* (1) *Ecosystem Integrity.* The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity, taking into account:

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- (i) Interdependence of terrestrial and aquatic ecosystems in the plan area.
 - (ii) Contributions of the plan area to ecological conditions within the broader landscape influenced by the plan area.
 - (iii) Conditions in the broader landscape that may influence the sustainability of resources and ecosystems within the plan area.
 - (iv) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change.
 - (v) Wildland fire and opportunities to restore fire adapted ecosystems.
 - (vi) Opportunities for landscape scale restoration.
- (2) *Air, soil, and water.* The plan must include plan components, including standards or guidelines, to maintain or restore:
- (i) Air quality.
 - (ii) Soils and soil productivity, including guidance to reduce soil erosion and sedimentation.
 - (iii) Water quality.
 - (iv) Water resources in the plan area, including lakes, streams, and wetlands; ground water; public water supplies; sole source aquifers; source water protection areas; and other sources of drinking water (including guidance to prevent or mitigate detrimental changes in quantity, quality, and availability).
- (3) *Riparian areas.* (i) The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of riparian areas in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity, taking into account:
- (A) Water temperature and chemical composition;
 - (B) Blockages (uncharacteristic and characteristic) of water courses;
 - (C) Deposits of sediment;
 - (D) Aquatic and terrestrial habitats;
 - (E) Ecological connectivity;
 - (F) Restoration needs; and
 - (G) Floodplain values and risk of flood loss.

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(ii) Plans must establish width(s) for riparian management zones around all lakes, perennial and intermittent streams, and open water wetlands, within which the plan components required by paragraph (a)(3)(i) of this section will apply, giving special attention to land and vegetation for approximately 100 feet from the edges of all perennial streams and lakes.

(A) Riparian management zone width(s) may vary based on ecological or geomorphic factors or type of water body; and will apply unless replaced by a site-specific delineation of the riparian area.

(B) Plan components must ensure that no management practices causing detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits of sediment that seriously and adversely affect water conditions or fish habitat shall be permitted within the riparian management zones or the site-specific delineated riparian areas.

(4) *Best management practices for water quality.* The Chief shall establish requirements for national best management practices for water quality in the Forest Service Directive System. Plan components must ensure implementation of these practices.

(b) *Social and economic sustainability.* The plan must include plan components, including standards or guidelines, to guide the plan area's contribution to social and economic sustainability, taking into account:

- (1) Social, cultural, and economic conditions relevant to the area influenced by the plan;
- (2) Sustainable recreation; including recreation settings, opportunities, and access; and scenic character;
- (3) Multiple uses that contribute to local, regional, and national economies in a sustainable manner;
- (4) Ecosystem services;
- (5) Cultural and historic resources and uses; and
- (6) Opportunities to connect people with nature.

§ 219.9 Diversity of plant and animal communities.

This section adopts a complementary ecosystem and species-specific approach to maintaining the diversity of plant and animal communities and the persistence of native species in the plan area. Compliance with the ecosystem requirements of paragraph (a) is intended to provide the ecological conditions to both maintain the diversity of plant and animal communities and support the persistence of most native species in the plan area. Compliance with the requirements of paragraph (b) is intended to provide for additional ecological conditions not otherwise provided by compliance with paragraph (a) for individual species as set forth in paragraph (b). The plan must provide for the diversity of plant and animal communities, within Forest Service authority and consistent with the inherent capability of the plan area, as follows:

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(a) *Ecosystem plan components.* (1) *Ecosystem integrity.* As required by § 219.8(a), the plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore their structure, function, composition, and connectivity.

(2) *Ecosystem diversity.* The plan must include plan components, including standards or guidelines, to maintain or restore the diversity of ecosystems and habitat types throughout the plan area. In doing so, the plan must include plan components to maintain or restore:

- (i) Key characteristics associated with terrestrial and aquatic ecosystem types;
- (ii) Rare aquatic and terrestrial plant and animal communities; and
- (iii) The diversity of native tree species similar to that existing in the plan area.

(b) Additional, species-specific plan components. (1) The responsible official shall determine whether or not the plan components required by paragraph (a) of this section provide the ecological conditions necessary to: contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern within the plan area. If the responsible official determines that the plan components required in paragraph (a) are insufficient to provide such ecological conditions, then additional, species-specific plan components, including standards or guidelines, must be included in the plan to provide such ecological conditions in the plan area.

(2) If the responsible official determines that it is beyond the authority of the Forest Service or not within the inherent capability of the plan area to maintain or restore the ecological conditions to maintain a viable population of a species of conservation concern in the plan area, then the responsible official shall:

- (i) Document the basis for that determination (§ 219.14(a)); and
- (ii) Include plan components, including standards or guidelines, to maintain or restore ecological conditions within the plan area to contribute to maintaining a viable population of the species within its range. In providing such plan components, the responsible official shall coordinate to the extent practicable with other Federal, State, Tribal, and private land managers having management authority over lands relevant to that population.

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(c) *Species of conservation concern.* For purposes of this subpart, a species of conservation concern is a species, other than federally recognized threatened, endangered, proposed, or candidate species, that is known to occur in the plan area and for which the regional forester has determined that the best available scientific information indicates substantial concern about the species' capability to persist over the long-term in the plan area.

§ 219.10 Multiple use.

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

(a) *Integrated resource management for multiple use.* The plan must include plan components, including standards or guidelines, for integrated resource management to provide for ecosystem services and multiple uses in the plan area. 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, 219.8, 219.9, and 219.11, the responsible official shall consider:

- (1) Aesthetic values, air quality, cultural and heritage resources, ecosystem services, fish and wildlife species, forage, geologic features, grazing and rangelands, habitat and habitat connectivity, recreation settings and opportunities, riparian areas, scenery, soil, surface and subsurface water quality, timber, trails, vegetation, viewsheds, wilderness, and other relevant resources and uses.
- (2) Renewable and nonrenewable energy and mineral resources.
- (3) Appropriate placement and sustainable management of infrastructure, such as recreational facilities and transportation and utility corridors.
- (4) Opportunities to coordinate with neighboring landowners to link open spaces and take into account joint management objectives where feasible and appropriate.
- (5) Habitat conditions, subject to the requirements of § 219.9, for wildlife, fish, and plants commonly enjoyed and used by the public; for hunting, fishing, trapping, gathering, observing, subsistence, and other activities (in collaboration with federally recognized Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments).
- (6) Land status and ownership, use, and access patterns relevant to the plan area.
- (7) Reasonably foreseeable risks to ecological, social, and economic sustainability.
- (8) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of the terrestrial and aquatic ecosystems on the plan area to adapt to change (§ 219.8);

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- (9) Public water supplies and associated water quality.
- (10) Opportunities to connect people with nature.
- (b) *Requirements for plan components for a new plan or plan revision.* (1) The plan must include plan components, including standards or guidelines, to provide for:
 - (i) Sustainable recreation; including recreation settings, opportunities, and access; and scenic character. Recreation opportunities may include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air.
 - (ii) Protection of cultural and historic resources.
 - (iii) Management of areas of tribal importance.
 - (iv) Protection of congressionally designated wilderness areas as well as management of areas recommended for wilderness designation to protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation.
 - (v) Protection of designated wild and scenic rivers as well as management of rivers found eligible or determined suitable for the National Wild and Scenic River system to protect the values that provide the basis for their suitability for inclusion in the system.
 - (vi) Appropriate management of other designated areas or recommended designated areas in the plan area, including research natural areas.
- (2) Other plan components for integrated resource management to provide for multiple use as necessary.

§ 219.11 Timber requirements based on the NFMA.

While meeting the requirements of §§ 219.8 through 219.10, the plan must include plan components, including standards or guidelines, and other plan content regarding timber management within Forest Service authority and the inherent capability of the plan area, as follows:

- (a) *Lands not suited for timber production.* (1) The responsible official shall identify lands within the plan area as not suited 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 has withdrawn the land from timber production;

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(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 currently available for conducting timber harvest without causing irreversible damage to soil, slope, or other watershed conditions;

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

(vi) The land is not forest land.

(2) The responsible official shall review lands identified in the plan as not suited for timber production at least once every 10 years, 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 any such lands as suitable for timber production, if warranted by changed conditions.

(b) *Timber harvest for purposes of timber production.* A plan that identifies lands as suitable for timber production must include plan components, including standards or guidelines, to guide timber harvest for timber production or for other multiple use purposes on such lands.

(c) *Timber harvest for purposes other than timber production.* Except as provided in paragraph (d) of this section, the plan may include plan components to allow for timber harvest for purposes other than timber production throughout the plan area, or portions of the plan area, as a tool to assist in achieving or maintaining one or more applicable desired conditions or objectives of the plan in order to protect other multiple-use values, and for salvage, sanitation, or public health or safety. Examples of using timber harvest to protect other multiple use values may include improving wildlife or fish habitat, thinning to reduce fire risk, or restoring meadow or savanna ecosystems where trees have invaded.

(d) *Limitations on timber harvest.* Whether timber harvest would be for the purposes of timber production or other purposes, plan components, including standards or guidelines, must ensure the following:

(1) No timber harvest for the purposes of timber production may occur on lands not suited for timber production.

(2) Timber harvest would occur only where soil, slope, or other watershed conditions would not be irreversibly damaged;

(3) Timber harvest would be carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources.

(4) Where plan components will allow clearcutting, seed tree cutting, shelterwood cutting, or other cuts designed to regenerate an even-aged stand of timber, the plan must include standards limiting the maximize size for openings that may be cut in one harvest operation, according to

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geographic areas, forest types, or other suitable classifications. Except as provided in paragraphs (d)(4)(i) through (iii) of this section, this limit may 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.

(i) Plan standards may allow for openings larger than those specified in paragraph (d)(4) of this section to be cut in one harvest operation where the responsible official determines that larger harvest openings are necessary to help achieve desired ecological conditions in the plan area. If so, standards for exceptions shall include the particular conditions under which the larger size is permitted and must set a maximum size permitted under those conditions.

(ii) Plan components may allow for size limits exceeding those established in paragraphs (d)(4) and (d)(4)(i) of this section on an individual timber sale basis after 60 days public notice and review by the regional forester.

(iii) The plan maximum size for openings to be cut in one harvest operation shall not apply to the size of openings 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)).

(5) Timber will be harvested from NFS lands only where such harvest would comply with the resource protections set out in sections 6(g)(3)(E) and (F) of the NFMA (16 U.S.C.

1604(g)(3)(E) and (F)). Some of these requirements are listed in paragraphs (d)(2) to (d)(4) of this section.

(6) The quantity of timber that may be sold from the national forest is limited to an amount equal to or less than that which can be removed from such forest annually in perpetuity on a sustained-yield basis. This limit may be measured on a decadal basis. The plan may provide for departures from this limit as provided by the NFMA when departure would be consistent with the plan's desired conditions and objectives. Exceptions for departure from this limit on the quantity sold may be made only after a public review and comment period of at least 90 days. The Chief 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.

(7) The regeneration harvest of even-aged stands of trees is limited to stands that generally have reached the culmination of mean annual increment of growth. This requirement would apply only to 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. Plan components may allow for exceptions, set out in 16 U.S.C. 1604(m), only if such harvest is consistent with the other plan components of the land management plan.

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(a) *Plan monitoring program.* (1) The responsible official shall develop a monitoring program for the plan area and include it in the plan. Monitoring information should enable the responsible official to determine if a change in plan components or other plan content that guide management of resources on the plan area may be needed. The development of the plan monitoring program must be coordinated with the regional forester and Forest Service State and Private Forestry and Research and Development. Responsible officials for two or more administrative units may jointly develop their plan monitoring programs.

(2) The plan monitoring program sets out the plan monitoring questions and associated indicators. Monitoring questions and associated indicators must be designed to inform the management of resources on the plan area, including by testing relevant assumptions, tracking relevant changes, and measuring management effectiveness and progress toward achieving or maintaining the plan's desired conditions or objectives. Questions and indicators should be based on one or more desired conditions, objectives, or other plan components in the plan, but not every plan component needs to have a corresponding monitoring question.

(3) The plan monitoring program should be coordinated and integrated with relevant broader-scale monitoring strategies (paragraph (b) of this section) to ensure that monitoring is complementary and efficient, and that information is gathered at scales appropriate to the monitoring questions.

(4) Subject to the requirements of paragraph (a)(5) of this section, the responsible official has the discretion to set the scope and scale of the plan monitoring program, after considering:

- (i) Information needs identified through the planning process as most critical for informed management of resources on the plan area; and
- (ii) The financial and technical capabilities of the Agency.

(5) Each plan monitoring program must contain one or more monitoring questions and associated indicators addressing each of the following:

- (i) The status of select watershed conditions.
- (ii) The status of select ecological conditions including key characteristics of terrestrial and aquatic ecosystems.
- (iii) The status of focal species to assess the ecological conditions required under § 219.9.
- (iv) The status of a select set of the ecological conditions required under § 219.9 to contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and maintain a viable population of each species of conservation concern.
- (v) The status of visitor use, visitor satisfaction, and progress toward meeting recreation objectives.
- (vi) Measurable changes on the plan area related to climate change and other stressors that may be affecting the plan area.

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(vii) Progress toward meeting the desired conditions and objectives in the plan, including for providing multiple use opportunities.

(viii) The effects of each management system to determine that they do not substantially and permanently impair the productivity of the land (16 U.S.C. 1604(g)(3)(C)).

(6) A range of monitoring techniques may be used to carry out the monitoring requirements in paragraph (a)(5) of this section.

(7) This section does not apply to projects or activities. Project and activity monitoring may be used to gather information for the plan monitoring program, and information gathered through plan monitoring may be used to inform development of projects or activities. But, the monitoring requirements of this section are not a prerequisite for making a decision to carry out a project or activity.

(b) *Broader-scale monitoring strategies.* (1) The regional forester shall develop a broader-scale monitoring strategy for plan monitoring questions that can best be answered at a geographic scale broader than one plan area.

(2) When developing a monitoring strategy, the regional forester shall coordinate with the relevant responsible officials, Forest Service State and Private Forestry and Research and Development, partners, and the public. Two or more regional foresters may jointly develop broader-scale monitoring strategies.

(3) Each regional forester shall ensure that the broader-scale monitoring strategy is within the financial and technical capabilities of the region and complements other ongoing monitoring efforts.

(4) Projects and activities may be carried out under plans developed, amended, or revised under this part before the regional forester has developed a broader-scale monitoring strategy.

(c) *Timing and process for developing the plan monitoring program and broader-scale strategies.* (1) The responsible official shall develop the plan monitoring program as part of the planning process for a new plan development or plan revision. Where a plan's monitoring program has been developed under the provisions of a prior planning regulation and the unit has not initiated plan revision under this part, the responsible official shall modify the plan monitoring program within 4 years of the effective date of this part, or as soon as practicable, to meet the requirements of this section.

(2) The regional forester shall develop a broader-scale monitoring strategy as soon as practicable.

(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;

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(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.

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

(i) The first monitoring evaluation for a plan or plan revision developed in accordance with this subpart must be completed no later than 2 years from the effective date of plan decision.

(ii) Where the monitoring program developed under the provisions of a prior planning regulation has been modified to meet the requirements of paragraph (c)(1) of this section, the first monitoring evaluation must be completed no later than 2 years from the date the change takes effect.

(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)).

(2) The monitoring evaluation report must indicate whether or not a change to the plan, management activities, or the monitoring program, or a new assessment, may be warranted based on the new information. The monitoring evaluation report must be used to inform adaptive management of the plan area.

(3) The monitoring evaluation report may be incorporated into other planning documents if the responsible official has initiated a plan revision or relevant amendment.

(4) The monitoring evaluation report is not a decision document representing final Agency action, and is not subject to the objection provisions of subpart B.

§ 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. Except as provided by paragraph (c) of this section, a plan amendment is required to add, modify, or remove one or more plan components, or to change how or where one or more plan components apply to all or part of the plan area (including management areas or geographic areas).

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

(1) Base an amendment on a preliminary identification of the need to change the plan. The preliminary identification of the need to change the plan may be based on a new assessment; a monitoring report; or other documentation of new information, changed conditions, or changed circumstances. When a plan amendment is made together with, and only applies to, a project or activity decision, the analysis prepared for the project or activity may serve as the documentation for the preliminary identification of 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; and

(3) Amend the plan consistent with Forest Service NEPA procedures. The appropriate NEPA documentation for an amendment may be an environmental impact statement, an environmental assessment, or a categorical exclusion, depending upon the scope and scale of the amendment and its likely effects. A proposed amendment that may create a significant environmental effect and thus require preparation of an environmental impact statement is considered a significant change in the plan for the purposes of the NFMA.

(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, conformance of the plan to new statutory or regulatory requirements, or changes to other content in the plan (§ 219.7(f)).

(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)).

(2) All other administrative changes may be made following public notice (§ 219.16(c)(6)).

§ 219.14 Decision document and planning records.

(a) *Decision document.* The responsible official shall record approval of a new plan, plan amendment, or revision 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, the diversity requirements of § 219.9, the multiple use requirements of § 219.10, and the timber requirements of § 219.11;

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

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(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);

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

(6) The effective date of the plan, amendment, or revision.

(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: assessment reports (§ 219.6); the plan, including the monitoring program; the proposed plan, plan amendment, or plan revision; public notices and environmental documents associated with a plan; plan decision documents; and monitoring evaluation reports (§ 219.12).

(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 amendment, or plan revision was developed.

§ 219.15 Project and activity consistency with the plan.

(a) *Application to existing authorizations and approved projects or activities.* Every decision document approving a plan, plan amendment, or plan revision must state whether authorizations of occupancy and use made before the decision document may proceed unchanged. If a plan decision 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, as provided in paragraph (d) of this section, subject to valid existing rights.

(b) *Application to projects or activities authorized after plan decision.* Projects and activities authorized after approval of a plan, plan amendment, or plan revision must be consistent with the plan as provided in paragraph (d) of this section.

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(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.

(d) *Determining consistency.* Every project and activity must be consistent with the applicable plan components. A project or activity approval document must describe how the project or activity is consistent with applicable plan components developed or revised in conformance with this part by meeting the following criteria:

- (1) *Goals, desired conditions, and objectives.* The project or activity contributes to the maintenance or attainment of one or more goals, desired conditions, or objectives, or does not foreclose the opportunity to maintain or achieve any goals, desired conditions, or objectives, over the long term.
- (2) *Standards.* The project or activity complies with applicable standards.
- (3) *Guidelines.* The project or activity:
 - (i) Complies with applicable guidelines as set out in the plan; or
 - (ii) Is designed in a way that is as effective in achieving the purpose of the applicable guidelines (§ 219.7(e)(1)(iv)).
- (4) *Suitability.* A project or activity would occur in an area:
 - (i) That the plan identifies as suitable for that type of project or activity; or
 - (ii) For which the plan is silent with respect to its suitability for that type of project or activity.

(e) *Consistency of resource plans within the planning area with the land management plan.* Any resource plans (for example, travel management plans) developed by the Forest Service that apply to the resources or land areas within the planning area must be consistent with the plan components. Resource plans developed prior to plan decision must be evaluated for consistency with the plan and amended if necessary.

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§ 219.16 Public notifications.

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

(a) *When formal public notification is required.* Public notification must be provided as follows:

- (1) To initiate the development of a proposed plan, plan amendment, or plan revision;
- (2) To invite comments on a proposed plan, plan amendment, or plan revision, and associated environmental analysis. For a new plan, plan amendment, or a plan revision for which a draft environmental impact statement (EIS) is prepared, the comment period is at least 90 days. For an amendment for which a draft EIS 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 whenever 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 (§ 219.17(b)(3)).

(b) *Project or activity plan amendments.* 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) 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.

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(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.

(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 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.

§ 219.17 Effective dates and transition.

(a) *Effective dates.* (1) A plan or plan revision is effective 30 days after publication of notice of its approval.

(2) Except as provided in paragraph (3) of this section, a plan amendment for which an environmental impact statement (EIS) has been prepared is effective 30 days after publication of notice of its approval; a plan amendment for which an EIS has not been prepared is effective immediately.

(3) A plan amendment that applies to only one specific project or activity is effective on the date the project may be implemented in accordance with administrative review regulations at 36 CFR parts 215 and 218.

(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 May 9, 2012 must conform to the requirements of this part.

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(2) Initiating plan amendments. All plan amendments initiated after May 9, 2012 are subject to the objection process in subpart B of this part. With respect to plans approved or revised under a prior planning regulation, including the transition provisions of the reinstated 2000 rule (36 CFR part 299, published at 36 CFR parts 200 to 299, revised as of July 1, 2010), plan amendments may be initiated under the provisions of the prior planning regulation for 3 years after May 9, 2012, and may be completed and approved under those provisions (except for the optional appeal procedures of the prior planning regulation); or may be initiated, completed, and approved under the requirements of this part. After the 3-year transition period, all plan amendments must be initiated, completed, and approved under 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 May 9, 2012, the responsible official may complete and approve the plan, plan amendment, or plan revision in conformance with the provisions of the prior planning regulation, including its transition provisions (36 CFR part 299, published at 36 CFR parts 200 to 299, revised as of July 1, 2010), or may conform the plan, plan amendment, or plan revision to the requirements of this part. If the responsible official chooses to complete an ongoing planning process under the provisions of the prior planning regulation, but chooses to allow for an objection rather than an administrative appeal, the objection process in subpart B of this part shall apply. When the responsible official chooses to conform an ongoing planning process to this part, public notice must be made (§ 219.16(a)(5)). An objection process may be chosen only if the public is provided the opportunity to comment on a proposed plan, plan amendment, or plan revision, and associated environmental analysis.

(c) *Plans developed, amended, or revised under a prior planning regulation.* This part supersedes any prior planning regulation. No obligations remain from any prior planning regulation, except those that are specifically included in a unit's existing plan. Existing plans will remain in effect until revised. This part does not compel a change to any existing plan, except as required in § 219.12(c)(1). None of the requirements of this part apply to projects or activities on units with plans developed or revised under a prior planning rule until the plan is revised under this part, except that projects or activities on such units must comply with the consistency requirement of § 219.15 with respect to any amendments that are developed and approved pursuant to this part.

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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.

§ 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.

Assessment. For the purposes of this subpart, an assessment is the identification and evaluation of existing information to support land management planning. Assessments are not decisionmaking documents, but provide current information on select topics relevant to the plan area, in the context of the broader landscape.

Best management practices for water quality (BMPs). Methods, measures, or practices selected by an agency to meet its nonpoint source control needs. BMPs include but are not limited to structural and nonstructural controls and operation and maintenance procedures. BMPs can be applied before, during, and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

Candidate species. (1) For U.S. Fish and Wildlife Service candidate species: A species for which the U.S. Fish and Wildlife Service possesses sufficient information on vulnerability and threats to support a proposal to list as endangered or threatened, but for which no proposed rule has yet been published by the U.S. Fish and Wildlife Service.

(2) For National Marine Fisheries Service candidate species, a species that is

(i) the subject of a petition to list and for which the National Marine Fisheries Service has determined that listing may be warranted, pursuant to section 4(b)(3)(A) of the Endangered Species Act (16 U.S.C. 1533(b)(3)(A)), or

(ii) not the subject of a petition but for which the National Marine Fisheries Service has announced in the **Federal Register** the initiation of a status review.

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Collaboration or collaborative process. 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 toward 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 of October, 2007: Collaboration in NEPA—A Handbook for NEPA Practitioners.

Connectivity. Ecological conditions that exist at several spatial and temporal scales that provide landscape linkages that permit the exchange of flow, sediments, and nutrients; the daily and seasonal movements of animals within home ranges; the dispersal and genetic interchange between populations; and the long distance range shifts of species, such as in response to climate change.

Conservation. The protection, preservation, management, or restoration of natural environments, ecological communities, and species.

Conserve. For purposes of § 219.9, to protect, preserve, manage, or restore natural environments and ecological communities to potentially avoid federally listing of proposed and candidate species.

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

Designated area. An area or feature identified and managed to maintain its unique special character or purpose. Some categories of designated areas may be designated only by statute and some categories may be established administratively in the land management planning process or by other administrative processes of the Federal executive branch. Examples of statutorily designated areas are national heritage areas, national recreational areas, national scenic trails, wild and scenic rivers, wilderness areas, and wilderness study areas. Examples of administratively designated areas are experimental forests, research natural areas, scenic byways, botanical areas, and significant caves.

Disturbance. Any relatively discrete event in time that disrupts ecosystem, watershed, community, or species population structure and/or function and changes resources, substrate availability, or the physical environment.

Disturbance regime. A description of the characteristic types of disturbance on a given landscape; the frequency, severity, and size distribution of these characteristic disturbance types; and their interactions.

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Ecological conditions. The biological and physical environment that can affect the diversity of plant and animal communities, the persistence of native species, and the productive capacity of ecological systems. Ecological conditions include habitat and other influences on species and the environment. Examples of ecological conditions include the abundance and distribution of aquatic and terrestrial habitats, connectivity, roads and other structural developments, human uses, and invasive species.

Ecological integrity. The quality or condition of an ecosystem when its dominant ecological characteristics (for example, composition, structure, function, connectivity, and species composition and diversity) occur within the natural range of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human influence.

Ecological sustainability. See sustainability.

Ecological system. See ecosystem.

Economic sustainability. See sustainability.

Ecosystem. A spatially explicit, relatively homogeneous unit of the Earth that includes all interacting organisms and elements of the abiotic environment within its boundaries. An ecosystem is commonly described in terms of its:

(1) Composition. The biological elements within the different levels of biological organization, from genes and species to communities and ecosystems.

(2) Structure. The organization and physical arrangement of biological elements such as, snags and down woody debris, vertical and horizontal distribution of vegetation, stream habitat complexity, landscape pattern, and connectivity.

(3) Function. Ecological processes that sustain composition and structure, such as energy flow, nutrient cycling and retention, soil development and retention, predation and herbivory, and natural disturbances such as wind, fire, and floods.

(4) Connectivity. (see connectivity above).

Ecosystem diversity. The variety and relative extent of ecosystems.

Ecosystem services. Benefits people obtain from ecosystems, including:

(1) *Provisioning services*, such as clean air and fresh water, 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;

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(3) *Supporting services*, such as pollination, seed dispersal, soil formation, and nutrient cycling; and

(4) *Cultural services*, such as educational, aesthetic, spiritual and cultural heritage values, recreational experiences and tourism opportunities.

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

Environmental document. For the purposes of this part: an environmental assessment, environmental impact statement, finding of no significant impact, categorical exclusion, and notice of intent to prepare an environmental impact statement.

Environmental impact statement (EIS). 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.

Focal species. A small subset of species whose status permits inference to the integrity of the larger ecological system to which it belongs and provides meaningful information regarding the effectiveness of the plan in maintaining or restoring the ecological conditions to maintain the diversity of plant and animal communities in the plan area. Focal species would be commonly selected on the basis of their functional role in ecosystems.

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 area. A geographic area may overlap with a management area.

Inherent capability of the plan area. The ecological capacity or ecological potential of an area characterized by the interrelationship of its physical elements, its climatic regime, and natural disturbances.

Integrated resource management. Multiple use management that recognizes the interdependence of ecological resources and is based on the need for integrated consideration of ecological, social, and economic factors.

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

Maintain. In reference to an ecological condition: to keep in existence or continuance of the desired ecological condition in terms of its desired composition, structure, and processes. Depending upon the circumstance, ecological conditions may be maintained by active or passive management or both.

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

Management system. For purposes of this subpart, a timber management system including even-aged management and uneven-aged management.

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 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 that they are utilized 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 use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and 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).

National Forest System. See definition in § 219.62.

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Native knowledge. A way of knowing or understanding the world, including traditional ecological and social knowledge of the environment derived from multiple generations of indigenous peoples' interactions, observations, and experiences with their ecological systems. Native knowledge is place-based and culture-based knowledge in which people learn to live in and adapt to their own environment through interactions, observations, and experiences with their ecological system. This knowledge is generally not solely gained, developed by, or retained by individuals, but is rather accumulated over successive generations and is expressed through oral traditions, ceremonies, stories, dances, songs, art, and other means within a cultural context.

Native species. An organism that was historically or is present in a particular ecosystem as a result of natural migratory or evolutionary processes; and not as a result of an accidental or deliberate introduction into that ecosystem. An organism's presence and evolution (adaptation) in an area are determined by climate, soil, and other biotic and abiotic factors.

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.

Persistence. Continued existence.

Plan area. The NFS lands covered by a plan.

Plan or land management plan. A document or set of documents that provide management direction for an administrative unit of the NFS developed under the requirements of this part or a prior planning rule.

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

Productivity. The capacity of NFS 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 term, not an economic term.

Project. An organized effort to achieve an outcome on NFS lands identified by location, tasks, outputs, effects, times, and responsibilities for execution.

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Proposed Species. Any species of fish, wildlife, or plant that is proposed by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service in the **Federal Register** to be listed under Section 4 of the Endangered Species Act.

Recovery. For the purposes of this subpart, and with respect to threatened or endangered species: The improvement in the status of a listed species to the point at which listing as federally endangered or threatened is no longer appropriate.

Recreation. See **Sustainable recreation**.

Recreation opportunity. An opportunity to participate in a specific recreation activity in a particular recreation setting to enjoy desired recreation experiences and other benefits that accrue. Recreation opportunities include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air.

Recreation setting. The social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban.

Responsible official. See definition in § 219.62.

Restoration. The process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Ecological restoration focuses on reestablishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial and aquatic ecosystems sustainability, resilience, and health under current and future conditions.

Restore. To renew by the process of restoration (see restoration).

Riparian Areas. Three-dimensional ecotones of interaction that include terrestrial and aquatic ecosystems that extend down into the groundwater, up above the canopy, outward across the floodplain, up the near-slopes that drain to the water, laterally into the terrestrial ecosystem, and along the water course at variable widths.

Riparian management zone. Portions of a watershed where riparian-dependent resources receive primary emphasis, and for which plans include plan components to maintain or restore riparian functions and ecological functions.

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

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Scenic character. A combination of the physical, biological, and cultural images that gives an area its scenic identity and contributes to its sense of place. Scenic character provides a frame of reference from which to determine scenic attractiveness and to measure scenic integrity.

Social sustainability. See sustainability.

Sole source aquifer. Underground water supply designated by the Environmental Protection Agency (EPA) as the "sole or principle" source of drinking water for an area as established under section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300h-3(e)).

Source water protection areas. The area delineated by a State or Tribe for a public water system (PWS) or including numerous PWSs, whether the source is ground water or surface water or both, as part of a State or tribal source water assessment and protection program (SWAP) approved by Environmental Protection Agency under section 1453 of the Safe Drinking Water Act (42 U.S.C. 300h-3(e)).

Stressors. For the purposes of this subpart: Factors that may directly or indirectly degrade or impair ecosystem composition, structure or ecological process in a manner that may impair its ecological integrity, such as an invasive species, loss of connectivity, or the disruption of a natural disturbance regime.

Sustainability. The capability to meet the needs of the present generation without compromising the ability of future generations to meet their needs. For purposes of this part, "ecological sustainability" refers to the capability of ecosystems to maintain ecological integrity; "economic sustainability" refers to the capability of society to produce and consume or otherwise benefit from goods and services including contributions to jobs and market and nonmarket benefits; and "social sustainability" refers to the capability of society to support the network of relationships, traditions, culture, and activities that connect people to the land and to one another, and support vibrant communities.

Sustainable recreation. The set of recreation settings and opportunities on the National Forest System that is ecologically, economically, and socially sustainable for present and future generations.

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.

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Viable population. A population of a species that continues to persist over the long term with sufficient distribution to be resilient and adaptable to stressors and likely future environments.

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**§ 219.50 Purpose and scope.**

This subpart establishes a pre-decisional administrative review (hereinafter referred to as objection) process for plans, plan amendments, or plan revisions. This process gives an individual or entity an opportunity for an independent Forest Service review and resolution of issues before the approval of a plan, plan amendment, or plan revision. This subpart identifies who may file objections to a plan, plan amendment, or plan revision; the responsibilities of the participants in an objection; and the procedures that apply to the review of the objection.

§ 219.51 Plans, plan amendments, or plan revisions not subject to objection.

(a) A plan, plan amendment, or plan revision is not subject to objection when the responsible official receives no substantive formal comments (§ 219.62) on that proposal during the opportunities for public comment (§ 219.53(a)).

(b) Plans, plan amendments, or plan revisions proposed by the Secretary of Agriculture or the Under Secretary for Natural Resources and Environment are not subject to the procedures set forth in this section. A decision by the Secretary or Under Secretary constitutes the final administrative determination of the U.S. Department of Agriculture.

(c) A plan, plan amendment, or plan revision is not subject to objection under this subpart if another administrative review process is used consistent with § 219.59.

(d) When a plan, plan amendment, or plan revision is not subject to objection under this subpart, the responsible official shall include an explanation with the signed decision document.

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§ 219.52 Giving notice of a plan, plan amendment, or plan revision subject to objection before approval.

(a) The responsible official shall disclose during the NEPA scoping process and in the appropriate NEPA documents that the proposed plan, plan amendment, or plan revision is subject to the objection procedures in this subpart. This disclosure is in addition to the public notice that begins the objection filing period, as required at § 219.16. When a responsible official chooses to use the objection process of this subpart for a plan, plan amendment, or plan revision process initiated before the effective date of this rule, notice that the objection process will be used must be given prior to an opportunity to provide substantive formal comment on a proposed plan, plan amendment, or revision and associated environmental analysis.

(b) The responsible official shall make available the public notice for the beginning of the objection period for a plan, plan amendment, or plan revision (§ 219.16(a)(3)) to those who have requested the environmental documents or are eligible to file an objection consistent with § 219.53.

(c) The content of the public notice for the beginning of the objection period for a plan, plan amendment, or plan revision before approval (§ 219.16(a)(3)) must:

(1) Inform the public of the availability of the plan, plan amendment, or plan revision, the appropriate final environmental documents, the draft plan decision document, and any relevant assessment or monitoring evaluation report; the commencement of the objection filing period under 36 CFR part 219 subpart B; and the process for objecting. The documents in this paragraph will be made available online at the time of public notice.

(2) Include the name of the plan, plan amendment, or plan revision, the name and title of the responsible official, and instructions on how to obtain a copy of the appropriate final environmental documents; the draft plan decision document; and the plan, plan amendment, or plan revision.

(3) Include the name and address of the reviewing officer with whom an objection is to be filed. The notice must specify a street, postal, fax, and email address; the acceptable format(s) for objections filed electronically; and the reviewing officer's office business hours for those filing hand-delivered objections.

(4) Include a statement that objections will be accepted only from those who have previously submitted substantive formal comments specific to the proposed plan, plan amendment, or plan revision during any opportunity for public comment as provided in subpart A.

(5) Include a statement that the publication date of the public notice in the applicable newspaper of record (or the **Federal Register**, if the responsible official is the Chief) is the exclusive means for calculating the time to file an objection (§ 219.56).

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(6) Include a statement that an objection, including attachments, must be filed with the appropriate reviewing officer (§ 219.62) within 60 days, if an environmental impact statement has been prepared, otherwise within 45 days of the date of publication of the public notice for the objection process.

(7) Include a statement describing the minimum content requirements of an objection (§ 219.54(c)).

§ 219.53 Who may file an objection.

(a) Individuals and entities who have submitted substantive formal comments related to a plan, plan amendment, or plan revision during the opportunities for public comment as provided in subpart A during the planning process for that decision may file an objection. Objections must be based on previously submitted substantive formal comments attributed to the objector unless the objection concerns an issue that arose after the opportunities for formal comment. The burden is on the objector to demonstrate compliance with requirements for objection. Objections that do not meet the requirements of this paragraph may not be accepted; however, objections not accepted must be documented in the planning record.

(b) Formal comments received from an authorized representative(s) of an entity are considered those of the entity only. Individual members of that entity do not meet objection eligibility requirements solely based on membership in an entity. A member or an individual must submit substantive formal comments independently to be eligible to file an objection in an individual capacity.

(c) When an objection lists multiple individuals or entities, each individual or entity must meet the requirements of paragraph (a) of this section. Individuals or entities listed on an objection that do not meet eligibility requirements may not be considered objectors, although an objection must be accepted (if not otherwise set aside for review under § 219.55) if at least one listed individual or entity meets the eligibility requirements.

(d) Federal agencies may not file objections.

(e) Federal employees who otherwise meet the requirements of this subpart for filing objections in a non-official capacity must comply with Federal conflict of interest statutes at 18 U.S.C. 202-209 and with employee ethics requirements at 5 CFR part 2635. Specifically, employees may not be on official duty nor use government property or equipment in the preparation or filing of an objection. Further, employees may not include information unavailable to the public, such as Federal agency documents that are exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552(b)).

§ 219.54 Filing an objection.

(a) All objections must be filed, in writing, with the reviewing officer for the plan. All objections must be open to public inspection during the objection process.

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(b) Including documents by reference is not allowed, except for the following list of items that may be referenced by including the name, date, page number (where applicable), and relevant section of the cited document. All other documents or Web links to those documents, or both must be included with the objection, if referenced in the objection.

(1) All or any part of a Federal law or regulation.

(2) Forest Service Directive System documents and land management plans or other published Forest Service documents.

(3) Documents referenced by the Forest Service in the planning documentation related to the proposal subject to objection.

(4) Formal comments previously provided to the Forest Service by the objector during the proposed plan, plan amendment, or plan revision comment period.

(c) At a minimum, an objection must include the following:

(1) The objector's name and address (§ 219.62), along with a telephone number or email address if available;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector, when multiple names are listed on an objection (§ 219.62). Verification of the identity of the lead objector if requested;

(4) The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the responsible official;

(5) A statement of the issues and/or the parts of the plan, plan amendment, or plan revision to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If applicable, the objector should identify how the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy; and

(7) A statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment (§ 219.53(a)).

§ 219.55 Objections set aside from review.

(a) The reviewing officer shall set aside and not review an objection when one or more of the following applies:

(1) Objections are not filed in a timely manner (§ 219.56);

(2) The proposed plan, plan amendment, or plan revision is not subject to the objection procedures of this subpart pursuant to §§ 219.51 and 219.59;

(3) The individual or entity did not submit substantive formal comments (§ 219.53) during opportunities for public comment on the proposed decision (§ 219.16(a)(1) and (a)(2));

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(4) None of the issues included in the objection is based on previously submitted substantive formal comments unless one or more of those issues arose after the opportunities for formal comment;

(5) The objection does not provide sufficient information as required by § 219.54(c);

(6) The objector withdraws the objection in writing;

(7) The objector's identity is not provided or cannot be determined from the signature (written or electronically scanned), and a reasonable means of contact is not provided (§ 219.54(c)); or

(8) The objection is illegible for any reason and a legible copy cannot easily be obtained.

(b) When an objection includes an issue that is not based on previously submitted substantive formal comments and did not arise after the opportunities for formal comment, that issue will be set aside and not reviewed. Other issues raised in the objection that meet the requirements of this subpart will be reviewed.

(c) The reviewing officer shall give written notice to the objector and the responsible official when an objection or part of an objection is set aside from review and shall state the reasons for not reviewing the objection in whole or part. If the objection is set aside from review for reasons of illegibility or lack of a means of contact, the reasons must be documented in the planning record.

§ 219.56 Objection time periods and process.

(a) *Time to file an objection.* For a new plan, plan amendment, or plan revision for which an environmental impact statement (EIS) is prepared, written objections, including any attachments, must be filed within 60 days following the publication date of the public notice for a plan, plan amendment, or plan revision before approval (§§ 219.16 and 219.52). For an amendment for which an EIS is not prepared, the time to file an objection is within 45 days. It is the responsibility of the objector to ensure that the reviewing officer receives the objection in a timely manner.

(b) *Computation of time periods.* (1) All time periods are computed using calendar days, including Saturdays, Sundays, and Federal holidays in the time zone of the reviewing officer. However, when the time period expires on a Saturday, Sunday, or Federal holiday, the time is extended to the end of the next Federal working day (11:59 p.m. for objections filed by electronic means such as email or facsimile machine).

(2) The day after publication of the public notice for a plan, plan amendment, or plan revision before approval (§§ 219.16 and 219.52), is the first day of the objection filing period.

(3) The publication date of the public notice for a plan, plan amendment, or plan revision before approval (§§ 219.16 and 219.52), is the exclusive means for calculating the time to file an objection. Objectors may not rely on dates or timeframe information provided by any other source.

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(c) *Evidence of timely filing.* The objector is responsible for filing the objection in a timely manner. Timeliness must be determined by one of the following indicators:

- (1) The date of the U.S. Postal Service postmark for an objection received before the close of the fifth business day after the objection filing date;
- (2) The electronically generated posted date and time for email and facsimiles;
- (3) The shipping date for delivery by private carrier for an objection received before the close of the fifth business day after the objection filing date; or
- (4) The official agency date stamp showing receipt of hand delivery.

(d) *Extensions.* Time extensions for filing are not permitted except as provided at paragraph (b)(1) of this section.

(e) *Reviewing officer role and responsibilities.* The reviewing officer is the U.S. Department of Agriculture (USDA) or Forest Service official having the delegated authority and responsibility to review an objection filed under this subpart. The reviewing officer is a line officer at the next higher administrative level above the responsible official; except that:

- (1) For a plan amendment, that next higher-level line officer may delegate the reviewing officer authority and responsibility to a line officer at the same administrative level as the responsible official. Any plan amendment delegation of reviewing officer responsibilities must be made prior to the public notification of an objection filing period (§ 219.52).
- (2) For an objection or part of an objection specific to the identification of species of conservation concern, the regional forester who identified the species of conservation concern for the plan area may not be the reviewing officer. The Chief may choose to act as the reviewing officer or may delegate the reviewing officer authority to a line officer at the same administrative level as the regional forester. The reviewing officer for the plan will convey any such objections or parts thereof to the appropriate line officer.

(f) *Notice of objections filed.* Within 10 days after the close of the objection period, the responsible official shall publish a notice of all objections in the applicable newspaper of record and post the notice online.

(g) *Response to objections.* The reviewing officer must issue a written response to the objector(s) concerning their objection(s) within 90 days of the end of the objection-filing period. The reviewing officer has the discretion to extend the time when it is determined to be necessary to provide adequate response to objections or to participate in discussions with the parties. The reviewing officer must notify all parties (lead objectors and interested persons) in writing of any extensions.

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(a) *Meetings.* Prior to the issuance of the reviewing officer's written response, either the reviewing officer or the objector may request to meet to discuss issues raised in the objection and potential resolution. The reviewing officer must allow other interested persons to participate in such meetings. An interested person must file a request to participate in an objection within 10 days after publication of the notice of objection by the responsible official (§ 219.56(f)). The responsible official shall be a participant in all meetings involving the reviewing officer, objectors, and interested persons. During meetings with objectors and interested persons, the reviewing officer may choose to use alternative dispute resolution methods to resolve objections. All meetings are open to observation by the public.

(b) *Response to objections.* (1) The reviewing officer must render a written response to the objection(s) within 90 days of the close of the objection-filing period, unless the allowable time is extended as provided at § 219.56(g). A written response must set forth the reasons for the response but need not be a point-by-point response, and may contain instructions to the responsible official. In cases involving more than one objection to a plan, plan amendment, or plan revision, the reviewing officer may consolidate objections and issue one or more responses. The response must be sent to the objecting party(ies) by certified mail, return receipt requested, and posted online.

(2) The reviewing officer's review of and response to the objection(s) is limited to only those issues and concerns submitted in the objection(s).

(3) The response of the reviewing officer will be the final decision of the U.S. Department of Agriculture on the objection.

§ 219.58 Timing of a plan, plan amendment, or plan revision decision.

(a) The responsible official may not issue a decision document concerning a plan, plan amendment, or plan revision subject to the provisions of this subpart until the reviewing officer has responded in writing to all objections.

(b) A decision by the responsible official approving a plan, plan amendment, or plan revision must be consistent with the reviewing officer's response to objections.

(c) When no objection is filed within the allotted filing period, the reviewing officer must notify the responsible official. The responsible official's approval of the plan, plan amendment, or plan revision in a plan decision document consistent with § 219.14, may occur on, but not before, the fifth business day following the end of the objection-filing period.

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(a) Where the Forest Service is a participant in a multi-federal agency effort that would otherwise be subject to objection under this subpart, the responsible official may waive the objection procedures of this subpart and instead adopt the administrative review procedure of another participating Federal agency. As a condition of such a waiver, the responsible official for the Forest Service must have agreement with the responsible official of the other agency or agencies that a joint agency response will be provided to those who file for administrative review of the multi-agency effort. When such an agreement is reached, the responsible official for the Forest Service shall ensure public notice required in § 219.52 sets forth which administrative review procedure is to be used.

(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 administrative review process of 36 CFR part 215 or part 218, subpart A, applies instead of the objection process established in this subpart. When a plan amendment applies to all future projects or activities, the objection process established in this subpart applies only to the plan amendment decision; the review process of 36 CFR part 215 or part 218 would apply to the project or activity part of the decision.

§ 219.60 Secretary's authority.

Nothing in this subpart restricts the Secretary of Agriculture from exercising any statutory authority regarding the protection, management, or administration of NFS lands.

§ 219.61 Information collection requirements.

This subpart specifies the information that objectors must give in an objection to a plan, plan amendment, or plan revision (§ 219.54(c)). As such, this subpart contains information collection requirements as defined in 5 CFR part 1320 and have been approved by the Office of Management and Budget and assigned control number 0596-0158.

§ 219.62 Definitions.

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

Address. An individual's or entity's current mailing address used for postal service or other delivery services. An email address is not sufficient.

Decision memo. A concise written record of the responsible official's decision to implement an action that is categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA), where the action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment, and does not give rise to extraordinary circumstances in which a normally excluded action may have a significant environmental effect.

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Environmental assessment (EA). A public document that provides sufficient evidence and analysis for determining whether to prepare an EIS or a finding of no significant impact, aids an agency's compliance with the National Environmental Policy Act (NEPA) when no EIS is necessary, and facilitates preparation of a statement when one is necessary (40 CFR 1508.9; FSH 1909.15, Chapter 40).

Environmental impact statement (EIS). A detailed written statement as required by section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (40 CFR 1508.11; 36 CFR 220).

Formal comments. See substantive formal comments.

Lead objector. For an objection submitted with multiple individuals, multiple entities, or combination of individuals and entities listed, the individual or entity identified to represent all other objectors for the purposes of communication, written or otherwise, regarding the objection.

Line officer. A Forest Service official who serves in a direct line of command from the Chief.

Name. The first and last name of an individual or the name of an entity. An electronic username is insufficient for identification of an individual or entity.

National Forest System. The National Forest System includes national forests, national grasslands, and the National Tallgrass Prairie.

Newspaper(s) of record. The newspaper(s) of record is (are) the principal newspaper(s) of general circulation annually identified and published in the **Federal Register** by each regional forester to be used for publishing notices as required by 36 CFR 215.5. The newspaper(s) of record for projects in a plan area is (are) the newspaper(s) of record for notices related to planning.

Objection. The written document filed with a reviewing officer by an individual or entity seeking pre-decisional administrative review of a plan, plan amendment, or plan revision.

Objection period. The allotted filing period following publication of a public notice in the applicable newspaper of record (or the **Federal Register**, if the responsible official is the Chief) of the availability of the appropriate environmental documents and draft decision document, including a plan, plan amendment, or plan revision during which an objection may be filed with the reviewing officer.

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Objection process. Those procedures established for pre-decisional administrative review of a plan, plan amendment, or plan revision.

Objector. An individual or entity who meets the requirements of § 219.53, and files an objection that meets the requirements of §§ 219.54 and 219.56.

Online. Refers to the appropriate Forest Service Web site or future electronic equivalent.

Responsible official. The official with the authority and responsibility to oversee the planning process and to approve a plan, plan amendment, and plan revision.

Reviewing officer. The USDA or Forest Service official having the delegated authority and responsibility to review an objection filed under this subpart.

Substantive formal comments. Written comments submitted to, or oral comments recorded by, the responsible official or his designee during an opportunity for public participation provided during the planning process (§§ 219.4 and 219.16), and attributed to the individual or entity providing them. Comments are considered substantive when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider.

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PART 219—PLANNING

Subpart A—National Forest System Land and Resource Management Planning

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Subpart B [Reserved]

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Subpart A—National Forest System Land and Resource Management Planning

Purpose and Principles

§ 219.1 Purpose.

(a) Land and resource management planning guides how the Forest Service will fulfill its stewardship of the natural resources of the National Forest System to fulfill the designated purposes of the national forests and grasslands and honor their unique place in American life. The regulations in this subpart set forth a process for amending and revising land and resource management plans, hereafter referred to as plans, for the National Forest System and for monitoring the results of plan implementation under the Forest and Rangeland Renewable Resources Act of 1974, as amended by the National Forest Management Act of 1976, 16 U.S.C. 1600 *et seq.* The regulations in this subpart also guide the selection and implementation of site-specific actions. The principal authorities governing the development and the management of the National Forest System include: the Organic Administration Act of 1897, as amended (16 U.S.C. 473 *et seq.*); the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 *et seq.*); the Wilderness Act (16 U.S.C. 1121 *et seq.*); the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*); the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*);

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the Forest and Rangeland Renewable Resource Act of 1974, as amended by the National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*); and the Clean Water Act of 1948, as amended by the Federal Water Pollution Control Act Amendments of 1977 and the Water Quality Act of 1987 and other laws (33 U.S.C. 1251 *et seq.*, 1323 *et seq.*).

(b) The National Forest System constitutes an extraordinary national legacy created by people of vision and preserved for future generations by diligent and far-sighted public servants and citizens. These are the peoples' lands, emblems of the nation's democratic traditions.

(1) The national forests and grasslands provide a wide variety of uses, values, products, and services that are important to many people, including outdoor recreation, forage, timber, wildlife and fish, biological diversity, productive soils, clean air and water, and minerals. They also afford intangible benefits such as beauty, inspiration, and wonder.

(2) To assure the continuation of this array of benefits this regulation affirms sustainability as the overall goal for stewardship of the natural resources of each national forest and grassland consistent with the laws that guide management of these lands.

(3) Sustainability, composed of interdependent ecological, social, and economic elements, embodies the principles of multiple-use and sustained-yield without impairment to the productivity of the land. Sustainability means meeting needs of the present generation without compromising the ability of future generations to meet their needs. Planning contributes to social and economic sustainability without compromising the basic composition, structure, and functioning of ecological systems. The progress toward achievement of sustainability is assessed through monitoring and evaluation.

§ 219.2 Principles.

The planning regulations in this subpart are based on the following principles:

(a) The first priority for planning to guide management of the National Forest System is to maintain or restore ecological sustainability of national forests and grasslands to provide for a wide variety of uses, values, products, and services. The benefits sought from these lands depend upon long-term ecological sustainability. Considering increased human uses, it is essential that uses of today do not impair the functioning of ecological processes and the ability of these natural resources to contribute to sustainability in the future.

(1) Planning provides the guidance for maintaining or restoring the diversity of plant and animal communities and the productive capacity of ecological systems, the core elements of ecological sustainability.

(2) Planning is based on science and other knowledge, including the use of scientifically based strategies for sustainability and benefits from independent scientific peer review.

(3) Planning is based on the temporal and spatial scales necessary for sustainability.

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(4) Planning includes the monitoring and evaluation of the achievement of goals.

(b) Planning contributes to social and economic sustainability by providing for a wide variety of uses, values, products, and services without compromising the basic composition, structure, and function of ecological systems.

(1) Planning recognizes and fosters a broad-based understanding of the interdependence of national forests and grasslands with economies and communities.

(2) Planning fosters strategies and actions that provide for human use in ways that contribute to long-term sustainability.

(c) Planning is efficiently integrated into the broader geographic, legal, and social landscape within which national forests and grasslands exist. Other agencies, governments, corporations, and citizens manage land in and around the national forests and grasslands. Planning, therefore, is outward looking with the goal of understanding the broader landscape in which the national forests and grasslands lie.

(1) Planning fosters coordination among all affected federal agencies.

(2) Planning proceeds in close cooperation with state, tribal, and local governments.

(3) Planning recognizes the rights of American Indian tribes and Alaska Natives.

(4) Planning is interdisciplinary, providing analyses and options that are responsive to a broad range of ecological, social, and economic.

(5) Planning acknowledges the limits and variability of likely budgets.

(d) Planning meaningfully engages the American people in the stewardship of their national forests and grasslands. Just as the Forest Service can help the American people learn about the limits and capabilities of the national forests and grasslands, managers also should be guided by the knowledge and values of the American people.

(1) Planning encourages extensive collaborative citizen participation and builds upon the human resources in local communities and throughout the nation.

(2) Planning actively seeks and addresses key issues and promotes a shared vision of desired conditions.

(3) Planning and plans are understandable.

(4) Planning restores and maintains the trust of the American people in the management of the national forests and grasslands.

(e) Planning is an ongoing process, where decisions are adapted, as necessary, to address new issues, new information, and unforeseen events.

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(1) Planning is innovative and practical.

(2) Planning is expeditious and efficient in achieving goals.

(f) Planning seeks to manage National Forest System resources in a combination that best serves the public interest without impairment of the productivity of the land consistent with the Multiple-Use Sustained-Yield Act of 1960.

The Framework for Planning**§ 219.3 Overview.**

(a) *The planning framework.* Land and resource management planning is a flexible process for fitting solutions to the scope and scale of needed action. Planning, conducted according to the planning framework outlined in §§ 219.3 through 219.11, involves engaging the public (§§ 219.12 through 219.18) and applying the best available science (§§ 219.22 through 219.25) to contribute to sustainability (§§ 219.19 through 219.21) in the use and enjoyment of National Forest System lands.

(b) *Levels of planning.* Planning may be undertaken at the national, regional, national forest or grassland, and/or ranger district administrative levels depending on the scope and scale of issues.

(1) The Chief of the Forest Service is responsible for national planning. National planning includes the Forest Service national strategic plan required under the Government Performance and Results Act of 1993 (5 U.S.C. 306, 31 U.S.C. 1115-1119 and 9703-9704) that establishes national long-term goals, outcome measures, and strategies to be considered in managing the National Forest System and the Resources Planning Act Program (16 U.S.C. 1600).

(2) The Forest or Grassland Supervisor is the responsible official for a plan amendment or revision, except to the extent the Regional Forester or Chief decides to act as the responsible official.

(3) When appropriate, two or more Forest or Grassland Supervisors, one or more Regional Foresters, or the Chief of the Forest Service may undertake planning which may amend or revise one or more plans.

(4) The Chief of the Forest Service, Regional Foresters, National Forest and Grassland Supervisors, or District Rangers may authorize and implement site-specific actions.

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(c) *An interdisciplinary, collaborative approach to planning.* An interdisciplinary, collaborative approach to planning may be achieved by engaging the skills and interests of appropriate combinations of Forest Service staff, consultants, contractors, other federal agencies, states, American Indian tribes, Alaska Natives, or local government personnel, or other interested or affected people consistent with applicable laws.

(d) *Key elements.* The planning cycle begins with the identification and consideration of issues and concludes with the monitoring and evaluation of results. Based upon the scope and scale of issues, planning includes one or more of the following key elements:

- (1) Identification and consideration of issues (§ 219.4);
- (2) Information development and interpretation (§ 219.5);
- (3) Proposed actions (§ 219.6);
- (4) Plan decisions (§ 219.7);
- (5) Amendment (§ 219.8);
- (6) Revision (§ 219.9);
- (7) Site-specific decisions (§ 219.10); and
- (8) Monitoring and evaluation for adaptive management (§ 219.11).

§ 219.4 Identification and consideration of issues.

(a) *Origination of issues.* Issues may originate from a variety of sources including, but are not limited to: inventories, assessments, analyses, monitoring and evaluation of projects; discussions among people and proposals by organizations or governments interested in or affected by National Forest System management; Presidential, Departmental, and Forest Service conservation leadership initiatives; cooperatively developed landscape goals (§ 219.12(b)); evaluation of sustainability (§ 219.9(b)(4)); enactment of new laws; policies such as the Forest Service national strategic plan; and applications for authorization for occupancy and use of National Forest System lands.

(b) *Consideration of issues.* The responsible official has the discretion to determine, at any time, whether and to what extent an issue is appropriate for consideration.

- (1) In making this determination, the responsible official should consider:
 - (i) The scope, complexity, and geographic scale of potential actions that may address an issue;
 - (ii) Statutory requirements;
 - (iii) Organizational and community capabilities and available resources, including current and likely Forest Service budgets;

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- (iv) The scientific basis and merit of available data and analyses;
 - (v) The relationship of possible actions to the Forest Service national strategic plan, other existing plans, adopted conservation strategies, biological opinions, or other strategies applicable within all or a portion of the plan area; and
 - (vi) The opinions of interested or affected individuals, organizations, or other entities and the social and cultural values related to an issue.
- (2) The responsible official should consider the extent to which addressing the issue relates to or provides:
- (i) Opportunities to contribute to the achievement of cooperatively developed landscape goals;
 - (ii) Opportunities for the national forests and grasslands to contribute to the restoration or maintenance of ecological sustainability, including maintenance or restoration of watershed function, such as water flow regimes to benefit aquatic resources, groundwater recharge, municipal water supply, or other uses, and maintaining or restoring ecological conditions needed for ecosystem and species diversity;
 - (iii) Opportunities for the national forests or grasslands to contribute to social and economic sustainability;
 - (iv) Opportunities to recover threatened or endangered species and maintain or restore their habitat;
 - (v) The potential for negative environmental effects, including human health, economic and social effects, upon minority and low income communities;
 - (vi) Opportunities to maintain or restore ecological conditions that are similar to the biological and physical range of expected variability (§ 219.20(b)(1)); and
 - (vii) Opportunities to contribute to knowledge about and preservation of historic and cultural resources.

§ 219.5 Information development and interpretation.

If the responsible official determines an issue should receive consideration, the responsible official should review relevant information such as inventories, broad-scale assessments, local analyses, or monitoring results to determine if additional information is desirable and if it can be obtained at a reasonable cost and in a timely manner. The responsible official, at his or her discretion, may choose the methods and determine the scope of information development and interpretation for an issue under consideration. A broad-scale assessment or a local analysis may be developed or supplemented if appropriate to the scope and scale of an issue. Broad-scale assessments, local analyses, monitoring results, and other studies are not site-specific or plan decisions or proposals for agency action (§ 219.6(a)) subject to Forest Service NEPA procedures.

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(a) *Broad-scale assessments.* Broad-scale assessments provide information regarding ecological, economic, or social issues that are broad in geographic scale, sometimes crossing Forest Service regional administrative boundaries. Ecological information and analyses that may be provided in an assessment are addressed in § 219.20(a). Social and economic information and analyses that may be provided in an assessment are addressed in § 219.21(a).

(1) Broad-scale assessment should provide the following as appropriate:

(i) Findings and conclusions that describe historic conditions, current status, and future trends of ecological, social, and/or economic conditions, their relationship to sustainability, and the principal factors contributing to those conditions and trends. The responsible official may use these findings and conclusions to identify other issues (§ 219.4), develop proposals for action (§ 219.6), or for other purposes.

(ii) Identification of needs for additional research to develop new information or address conflicting interpretations of existing information.

(2) Station Directors and Regional Foresters must have joint responsibility for Forest Service participation in broad-scale assessments. Each broad-scale assessment should be designed and conducted with the assistance of scientists, resource professionals, governmental entities, and other individuals and organizations knowledgeable of the assessment area.

(b) *Local analyses.* Local analyses provide ecological, social, or economic information as deemed appropriate by the responsible official. Local analyses may cover watersheds, ecological units, and social and economic units, and may tier to or provide information to update a broad-scale assessment. Local analyses should provide the following, as appropriate:

(1) Characterization of the area of analysis;

(2) Description of issues within the analysis area;

(3) Description of current conditions;

(4) Description of likely future conditions;

(5) Synthesis and interpretation of information; and

(6) Recommendations for proposals (§ 219.6(a)) or identification of other issues (§ 219.4).

§ 219.6 Proposed actions.

(a) *Proposal.* The responsible official may propose to amend or revise a plan, propose a site-specific action, or both.

(b) *NEPA requirements.* Unless otherwise provided by law, the responsible official must analyze the effects of the proposal and alternative(s) in conformance with Forest Service NEPA procedures. The responsible official may use issues identified and information reviewed pursuant to Secs. 219.4-219.5 for scoping required in Forest Service NEPA procedures.

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Plan decisions guide or limit uses of National Forest System resources and provide the basis for future agency action. Plan decisions link the requirements of laws, regulations, Executive Orders, policies, and the Forest Service national strategic plan to specific national forests and grasslands. While plan decisions generally do not commit resources to a site-specific action, plan decisions provide a framework for authorizing site-specific actions that may commit resources. In making decisions, the responsible official should seek to manage National Forest System resources in a combination that best serves the public interest without impairment of the productivity of the land consistent with the Multiple-Use Sustained-Yield Act of 1960. Plan decisions may apply to all or part of a plan area. Paragraphs (a) through (e) of this section describe the decisions in a plan.

(a) *Desired resource conditions.* These plan decisions define the resource conditions sought within all or portions of the plan area. Desired resource conditions may include, but are not limited to, the desired watershed and ecological conditions and aquatic and terrestrial habitat characteristics.

(b) *Objectives.* These plan decisions are concise statements describing measurable results intended to contribute to sustainability (§ 219.19), including a desired level of uses, values, products, and services, assuming current or likely budgets and considering other spending levels as appropriate. Objectives include an estimate of the time and resources needed for their completion.

(c) *Standards.* These plan decisions are the requirements and limitations for land uses and management actions necessary for the achievement of desired conditions and objectives and compliance with applicable laws, regulations, Executive Orders, and policies. Standards include, but are not limited to:

- (1) Limitations on even-aged timber harvest methods;
- (2) Maximum size openings from timber harvest;
- (3) Methods for achieving aesthetic objectives by blending the boundaries of vegetation treatments; and
- (4) Other requirements to achieve multiple-use of the national forests and grasslands.

(d) *Designation of suitable land uses.* These plan decisions identify lands within the National Forest System that are or are not suitable for specific uses (§ 219.26), including, but not limited to: the transportation system; livestock grazing; special designations as described in § 219.27; and lands where timber production is an objective (§ 219.28).

(e) *Monitoring strategy.* A monitoring strategy is required by each plan as described in § 219.11(a).

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(a) *Amending plans.* A plan amendment may add, modify, or rescind one or more of the decisions of a plan (§ 219.7). An amendment decision must be based on the identification and consideration of issues (§ 219.4), applicable information (§ 219.5), and an analysis of the effects of the proposed amendment (§ 219.6). In developing an amendment, the responsible official must provide opportunities for collaboration consistent with § 219.12 through § 219.18.

(b) *Environmental review of a proposed plan amendment.* For each proposal for a plan amendment, the responsible official must complete appropriate environmental analyses and public involvement in accordance with Forest Service NEPA procedures. A proposed amendment that may create a significant environmental effect and thus require preparation of an environmental impact statement is considered to be a significant change in the plan. If a proposal for amendment requires the preparation of an environmental impact statement, the responsible official must give public notice and an opportunity to comment on the draft environmental impact statement for at least 90 calendar days.

§ 219.9 Revision.

(a) *Application of the revision process.* Revision of a plan is required by 16 U.S.C. 1604(f)(5). The revision process is a review of the overall management of a unit of the National Forest System and an opportunity to consider the likely results if plan decisions were to remain in effect.

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

- (1) Provide opportunities for collaboration consistent with § 219.12 through § 219.18;
- (2) Summarize those issues the responsible official determines to be appropriate for consideration (§ 219.4), any relevant inventories, new data, findings and conclusions from appropriate broad-scale assessments and local analyses, monitoring and evaluation results, new or revised Forest Service policies, relevant portions of the Forest Service national strategic plan, and changes in circumstances affecting the entire or significant portions of the plan area;
- (3) Develop the information and complete the analyses described in § 219.20(a) and § 219.21(a);
- (4) Evaluate the effectiveness of the current plan in contributing to sustainability (Secs. 219.19-219.21) based on the information, analyses, and requirements described in § 219.20(a) and (b) and § 219.21(a) and (b), and provide for an independent scientific peer review (§ 219.22) of the evaluation;
- (5) Identify new proposals for special areas, special designation, or for recommendation as wilderness (§ 219.27);

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(6) Identify specific watersheds in need of protective or restoration measures;

(7) Identify lands classified as not suitable for timber production (§ 219.28);

(8) Identify and evaluate inventoried roadless areas and unroaded areas based on the information, analyses, and requirements in § 219.20(a) and § 219.21(a). During the plan revision process or at other times as deemed appropriate, the responsible official must determine which inventoried roadless areas and unroaded areas warrant additional protection and the level of protection to be afforded; and

(9) Develop an estimate of outcomes that would be anticipated, including uses, values, products, or services, for a 15-year period following initiation of the revision process, if the plan decisions in effect at the time the revision process began remain in effect.

(c) *Public notice of revision process and review of information.* After the responsible official has compiled the information required under paragraph (b) of this section, the responsible official must give public notice of the plan revision process and make the information compiled under paragraph (b) of this section available for public comment for at least 45 calendar days.

(d) *Notice of Intent.* Based upon the information compiled under paragraph (b) of this section and any comments received during the comment period required under paragraph (c) of this section, the responsible official must publish a Notice of Intent to prepare an environmental impact statement to add, modify, remove, or continue in effect the decisions embodied in a plan. The responsible official must give the public notice and an opportunity to comment on the draft environmental impact statement for at least 90 calendar days. Following public comment, the responsible official must oversee preparation of a final environmental impact statement in accordance with Forest Service NEPA procedures.

(e) *Final decision on plan revision.* The revision process is completed when the responsible official signs a record of decision for a plan revision.

§ 219.10 Site-specific decisions.

To the extent appropriate and practicable and subject to valid existing rights and appropriate statutes, the responsible official must provide opportunities for collaboration consistent with §§ 219.12 through 219.18, follow the planning framework described in §§ 219.4 through 219.6 and comply with § 219.11 to make site-specific decisions. All site-specific decisions, including authorized uses of land, must be consistent with the applicable plan. If a proposed site-specific decision is not consistent with the applicable plan, the responsible official may modify the proposed decision to make it consistent with the plan, reject the proposal; or amend the plan to authorize the action.

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CHAPTER 90 - REFERENCES****91.1 - Exhibit 03 –continued****2000 Planning Rule as amended****§ 219.11 Monitoring and evaluation for adaptive management.**

(a) *Plan monitoring strategy*. Each plan must contain a practicable, effective, and efficient monitoring strategy to evaluate sustainability in the plan area (§§ 219.19 through 219.21). The strategy must require monitoring of appropriate plan decisions and characteristics of sustainability.

(1) *Monitoring and evaluation of ecological sustainability*. The plan monitoring strategy for the monitoring and evaluation of ecological sustainability must require monitoring of:

(i) *Ecosystem diversity*. Monitoring must be used to evaluate the status and trend of selected physical and biological characteristics of ecosystem diversity (§ 219.20(a)(1)). The plan monitoring strategy must document the reasons for selection of characteristics to be monitored, monitoring objectives, methodology, and designate critical values that will prompt reviews of plan decisions.

(ii) *Species diversity*. Monitoring must be used to evaluate focal species and species-at-risk as follows:

(A) The status and trends of ecological conditions known or suspected to support focal species and selected species-at-risk must be monitored. The plan monitoring strategy must document the reasons for the selection of species-at-risk for which ecological conditions are to be monitored, including the degree of risk to the species, the factors that put the species at risk, and the strength of association between ecological conditions and population dynamics.

(B) In addition to monitoring of ecological conditions, the plan monitoring strategy may require population monitoring for some focal species and some species-at-risk. This monitoring may be accomplished by a variety of methods including population occurrence and presence/absence data, sampling population characteristics, using population indices to track relative population trends, or inferring population status from ecological conditions.

(C) A decision by the responsible official to monitor populations and the responsible official's choice of methodologies for monitoring selected focal species and selected species-at-risk may be based upon factors that include, but are not limited to, the degree of risk to the species, the degree to which a species' life history characteristics lend themselves to monitoring, the reasons that a species is included in the list of focal species or species-at-risk, and the strength of association between ecological conditions and population dynamics. Monitoring of population trend is often appropriate in those cases where risk to species viability is high and population characteristics cannot be reliably inferred from ecological conditions. The reasons for selection of species, monitoring objectives, and methodologies must be documented as part of the plan monitoring strategy. Critical values that will prompt reviews of plan decisions must be designated in the monitoring strategy.

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(iii) *Monitoring effectiveness.* As a part of the plan monitoring strategy, the responsible official must evaluate the effectiveness of selected characteristics of ecosystem diversity and species diversity in providing reliable information regarding ecological sustainability.

(2) *Monitoring and evaluation of social and economic sustainability.* The plan monitoring strategy for the monitoring and evaluation of social and economic sustainability should provide for periodic review of national, regional, and local supply and demand for products, services, and values. Special consideration should be given to those uses, values, products, and services that the National Forest System is uniquely poised to provide. Monitoring should improve the understanding of the National Forest System contributions to social and economic sustainability. The plan monitoring strategy must require the responsible official to evaluate the effectiveness of information and analyses described in § 219.21(a) in providing reliable information regarding social and economic sustainability.

(b) *Monitoring of site-specific actions.* The decision document authorizing a site-specific action should describe any required monitoring and evaluation for the site-specific action. The responsible official must determine that there is a reasonable expectation that anticipated funding is adequate to complete any required monitoring and evaluation prior to authorizing a site-specific action.

(c) *Monitoring methods.* Unless required by the monitoring strategy, monitoring methods may be changed to reflect new information without plan amendment or revision.

(d) *Use of monitoring information.* Where monitoring and evaluation is required by the plan monitoring strategy, the responsible official must ensure that monitoring information is used to determine one or more of the following:

- (1) If site-specific actions are completed as specified in applicable decision documents;
- (2) If the aggregated outcomes and effects of completed and ongoing actions are achieving or contributing to the desired conditions;
- (3) If key assumptions identified for monitoring in plan decisions remain valid; and
- (4) If plan or site-specific decisions need to be modified.

(e) *Coordination of monitoring activities.* To the extent practicable, monitoring and evaluation should be conducted jointly with other federal agencies, state, local, and tribal governments, scientific and academic communities, and others. In addition, the responsible official must provide appropriate opportunities for the public to be involved and utilize scientists as described in § 219.23.

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(f) *Annual monitoring and evaluation report.* The responsible official must prepare a monitoring and evaluation report for the plan area within 6 months following the end of each fiscal year. The report must be maintained with the plan documents (§ 219.30(d)(5)), and include the following:

- (1) A list or reference to monitoring required by the plan; and
- (2) A summary of the results of monitoring and evaluation performed during the preceding fiscal year and appropriate results from previous years. The summary must include:
 - (i) A description of the progress toward achievement of desired conditions within the plan area; and
 - (ii) A description of the plan area's contribution to the achievement of applicable outcomes of the Forest Service national strategic plan.

Collaborative Planning for Sustainability**§ 219.12 Collaboration and cooperatively developed landscape goals.**

(a) *Collaboration.* To promote sustainability, the responsible official must actively engage the American public, interested organizations, private landowners, state, local, and Tribal governments, federal agencies, and others in the stewardship of National Forest System lands. To engage people in the stewardship of National Forest System lands, the responsible official may assume many roles, such as leader, organizer, facilitator, or participant. The responsible official must provide early and frequent opportunities for people to participate openly and meaningfully in planning taking into account the diverse roles, jurisdictions, and responsibilities of interested and affected organizations, groups, and individuals. The responsible official has the discretion to determine how to provide these opportunities in the planning process.

(b) *Cooperatively developed landscape goals.* (1) The responsible official and other Forest Service employees involved in planning must invite and encourage others to engage in the collaborative development of landscape goals. Using information from broad-scale assessments or other available information, and subject to applicable laws, the responsible official may initiate or join ongoing collaborative efforts to develop or propose landscape goals for areas that include National Forest System lands.

(2) During collaborative efforts, responsible officials and other Forest Service employees, must communicate and foster understanding of the nation's declaration of environmental policy as set forth in section 101(b) of the National Environmental Policy Act, as amended (42 U.S.C. 4321-4347), which states that it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate federal plans, functions, programs, and resources to the end that the Nation may--

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

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

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

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

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

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

(3) Cooperatively developed landscape goals, whether the result of efforts initiated by the Forest Service or others, must be deemed an issue for the purposes under § 219.4.

§ 219.13 Coordination among Federal agencies.

The responsible official must provide early and frequent coordination with appropriate Federal agencies and may provide opportunities:

(a) For interested or affected Federal agencies to participate in the identification of issues and formulation of proposed actions;

(b) For the streamlined coordination of Federal agency policies, resource management plans, or programs; and (c) The development, where appropriate and practicable, of joint resource management plans.

§ 219.14 Involvement of State and local governments.

The responsible official must provide early and frequent opportunities for State and local governments to:

(a) Participate in the planning process, including the identification of issues; and

(b) Contribute to the streamlined coordination of resource management plans or programs.

§ 219.15 Interaction with American Indian tribes and Alaska Natives.

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

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(b) During planning, the responsible official must consider the government-to-government relationship between American Indian or Alaska Native tribal governments and the Federal Government.

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

(1) The early identification of treaty rights, treaty-protected resources, and American Indian tribe trust resources;

(2) The consideration of tribal data and resource knowledge provided by tribal representatives; and

(3) The consideration of tribal concerns and suggestions during decisionmaking.

§ 219.16 Relationships with interested individuals and organizations.

The responsible official must:

(a) Make planning information available to the extent allowed by law;

(b) Conduct planning processes that are fair, meaningful, and open to persons with diverse opinions;

(c) Provide early and frequent opportunities for participation in the identification of issues;

(d) Encourage interested individuals and organizations to work collaboratively with one another to improve understanding and develop cooperative landscape and other goals;

(e) Consult with individuals and organizations who can provide information about current and historic public uses within an assessment or plan area, about the location of unique and sensitive resources and values and cultural practices related to issues in the plan area; and

(f) Consult with scientific experts and other knowledgeable persons, as appropriate, during consideration of collaboratively developed landscape goals and other activities.

§ 219.17 Interaction with private landowners.

The responsible official must seek to collaborate with those who have control or authority over lands adjacent to or within the external boundaries of national forests or grasslands to identify:

(a) Local knowledge;

(b) Potential actions and partnership activities;

(c) Potential conditions and activities on the adjacent lands that may affect management of National Forest System lands, or vice versa; and

(d) Issues (§ 219.4).

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(a) *Advisory committees.* Advisory committees can provide an immediate, representative, and predictable structure within which public dialogue can occur and the Forest Service can develop relationships with diverse communities of interests. The responsible official may seek the assistance or advice from a committee, consistent with the requirements of the Federal Advisory Committee Act (5 U.S.C. app.) in determining whether there is a reasonable basis to propose an action to address an issue. Each Forest or Grassland Supervisor must have access to an advisory committee with knowledge of local conditions and issues, although an advisory committee is not required for each national forest or grassland. Responsible officials may request establishment of advisory committees and recommend members to the Secretary of Agriculture. Advisory committees used by other agencies may be utilized through proper agreements.

(b) *Participation in other types of community-based groups.* When appropriate, the responsible official should consider participating in community-based groups organized for a variety of public purposes, particularly those groups organized to develop landscape goals (§ 219.12(b)).

Ecological, Social, and Economic Sustainability**§ 219.19 Ecological, social, and economic sustainability.**

Sustainability, composed of interdependent ecological, social, and economic elements, embodies the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 *et seq.*) without impairment to the productivity of the land and is the overall goal of management of the National Forest System. The first priority for stewardship of the national forests and grasslands is to maintain or restore ecological sustainability to provide a sustainable flow of uses, values, products, and services from these lands.

§ 219.20 Ecological sustainability.

To achieve ecological sustainability, the responsible official must ensure that plans provide for maintenance or restoration of ecosystems at appropriate spatial and temporal scales determined by the responsible official.

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(a) *Ecological information and analyses.* Ecosystem diversity and species diversity are components of ecological sustainability. The planning process must include the development and analysis of information regarding these components at a variety of spatial and temporal scales. These scales include geographic areas such as bioregions and watersheds, scales of biological organization such as communities and species, and scales of time ranging from months to centuries. Information and analyses regarding the components of ecological sustainability may be identified, obtained, or developed through a variety of methods, including broad-scale assessments and local analyses (§ 219.5), and monitoring results (§ 219.11). For plan revisions, and to the extent the responsible official considers appropriate for plan amendments or site-specific decisions, the responsible official must develop or supplement the following information and analyses related to ecosystem and species diversity:

(1) *Characteristics of ecosystem and species diversity.* Characteristics of ecosystem and species diversity must be identified for assessing and monitoring ecological sustainability. In general, these identified characteristics should be consistent at various scales of analyses.

(i) *Ecosystem diversity.* Characteristics of ecosystem diversity include, but are not limited to:

(A) *Major vegetation types.* The composition, distribution, and abundance of the major vegetation types and successional stages of forest and grassland systems; the prevalence of invasive or noxious plant or animal species.

(B) *Water resources.* The diversity, abundance, and distribution of aquatic and riparian systems including streams, stream banks, coastal waters, estuaries, groundwater, lakes, wetlands, shorelines, riparian areas, and floodplains; stream channel morphology and condition, and flow regimes.

(C) *Soil resources.* Soil productivity; physical, chemical and biological properties; soil loss; and compaction.

(D) *Air resources.* Air quality, visibility, and other air resource values.

(E) *Focal species.* Focal species that provide insights to the larger ecological systems with which they are associated.

(ii) *Species diversity.* Characteristics of species diversity include, but are not limited to, the number, distribution, and geographic ranges of plant and animal species, including focal species and species-at-risk that serve as surrogate measures of species diversity. Species-at-risk and focal species must be identified for the plan area.

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(2) *Evaluation of ecological sustainability.* Evaluations of ecological sustainability must be conducted at the scope and scale determined by the responsible official to be appropriate to the planning decision. These evaluations must describe the current status of ecosystem diversity and species diversity, risks to ecological sustainability, cumulative effects of human and natural disturbances, and the contribution of National Forest System lands to the ecological sustainability of all lands within the area of analysis.

(i) *Evaluation of ecosystem diversity.* Evaluations of ecosystem diversity must include, as appropriate, the following:

(A) Information about focal species that provide insights to the integrity of the larger ecological system to which they belong.

(B) A description of the biological and physical properties of the ecosystem using the characteristics identified in paragraph (a)(1)(i) of this section.

(C) A description of the principal ecological processes occurring at the spatial and temporal scales that influence the characteristic structure and composition of ecosystems in the assessment or analysis area. These descriptions must include the distribution, intensity, frequency, and magnitude of natural disturbance regimes of the current climatic period, and should include other ecological processes important to ecological sustainability, such as nutrient cycling, migration, dispersal, food web dynamics, water flows, and the identification of the risks to maintaining these processes. These descriptions may also include an evaluation of the feasibility of maintaining natural ecological processes as a tool to contribute to ecological sustainability.

(D) A description of the effects of human activities on ecosystem diversity. These descriptions must distinguish activities that had an integral role in the landscape's ecosystem diversity for a long period of time from activities that are of a type, size, or rate that were not typical of disturbances under which native plant and animal species and ecosystems developed.

(E) An estimation of the range of variability of the characteristics of ecosystem diversity, identified in paragraph (a)(1)(i) of this section, that would be expected under the natural disturbance regimes of the current climatic period. The current values of these characteristics should be compared to the expected range of variability to develop insights about the current status of ecosystem diversity.

(F) An evaluation of the effects of air quality on ecological systems including water.

(G) An estimation of current and foreseeable future Forest Service consumptive and non-consumptive water uses and the quantity and quality of water needed to support those uses and contribute to ecological sustainability.

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(H) An identification of reference landscapes to provide for evaluation of the effects of actions.

(ii) *Evaluations of species diversity.* Evaluations of species diversity must include, as appropriate, assessments of the risks to species viability and the identification of ecological conditions needed to maintain species viability over time based on the following:

(A) The viability of each species listed under the Endangered Species Act as threatened, endangered, candidate, and proposed species must be assessed. Individual species assessments must be used for these species.

(B) For all other species, including other species-at-risk and those species for which there is little information, a variety of approaches may be used, including individual species assessments and assessments of focal species or other indicators used as surrogates in the evaluation of ecological conditions needed to maintain species viability.

(C) Except as provided in paragraph (a)(2)(ii)(A) of this section, for species groups that contain many species, assessments of functional, taxonomic, or habitat groups rather than individual species may be appropriate.

(D) In analyzing viability, the extent of information available about species, their habitats, the dynamic nature of ecosystems and the ecological conditions needed to support them must be identified. Species assessments may rely on general conservation principles and expert opinion. When detailed information on species habitat relationships, demographics, genetics, and risk factors is available, that information should be considered.

(b) *Plan decisions.* When making plan decisions that will affect ecological sustainability, the responsible official must use the information developed under paragraph (a) of this section. The following requirements must apply at the spatial and temporal scales that the responsible official determines to be appropriate to the plan decision:

(1) *Ecosystem diversity.* Plan decisions affecting ecosystem diversity must provide for maintenance or restoration of the characteristics of ecosystem composition and structure within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period in accordance with paragraphs (b)(1)(i) through (v) of this section.

(i) Except as provided in paragraph (b)(1)(iv) of this section, in situations where ecosystem composition and structure are currently within the expected range of variability, plan decisions must maintain the composition and structure within the range.

(ii) Except as provided in paragraph (b)(1)(v) of this section, where current ecosystem composition and structure are outside the expected range of variability, plan decisions must provide for measurable progress toward ecological conditions within the expected range of variability.

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(iii) Where the range of variability cannot be practicably defined, plan decisions must provide for measurable progress toward maintaining or restoring ecosystem diversity. The responsible official must use independently peer-reviewed scientific methods other than the expected range of variability to maintain or restore ecosystem diversity. The scientific basis for such alternative methods must be documented in accordance with (§§ 219.22 through 219.25).

(iv) Where the responsible official determines that ecological conditions are within the expected range of variability and that maintaining ecosystem composition and structure within that range is ecologically, socially or economically unacceptable, plan decisions may provide for ecosystem composition and structure outside the expected range of variability. In such circumstances, the responsible official must use independently peer-reviewed scientific methods other than the expected range of variability to provide for the maintenance or restoration of ecosystem diversity. The scientific basis for such alternative methods must be documented in accordance with (§§ 219.22 through 219.25).

(v) Where the responsible official determines that ecological conditions are outside the expected range of variability and that it is not practicable to make measurable progress toward conditions within the expected range of variability, or that restoration would result in conditions that are ecologically, socially or economically unacceptable, plan decisions may provide for ecosystem composition and structure outside the expected range of variability. In such circumstances, the responsible official must use independently peer-reviewed scientific methods other than the expected range of variability to provide for the maintenance or restoration of ecosystem diversity. The scientific basis for such alternative methods must be documented (§§ 219.22 through 219.25).

(2) *Species diversity.* (i) Plan decisions affecting species diversity must provide for ecological conditions that the responsible official determines provide a high likelihood that those conditions are capable of supporting over time the viability of native and desired non-native species well distributed throughout their ranges within the plan area, except as provided in paragraphs (b)(2)(ii) through (iv) of this section. Methods described in paragraph (a)(2)(ii) of this section may be used to make the determinations of ecological conditions needed to maintain viability. A species is well distributed when individuals can interact with each other in the portion of the species range that occurs within the plan area. When a plan area occupies the entire range of a species, these decisions must provide for ecological conditions capable of supporting viability of the species and its component populations throughout that range. When a plan area encompasses one or more naturally disjunct and self-sustaining populations of a species, these decisions must provide ecological conditions capable of supporting over time viability of each population. When a plan area encompasses only a part of a population, these decisions must provide ecological conditions capable of supporting viability of that population well distributed throughout its range within the plan area.

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(ii) When conditions outside the authority of the agency prevent the agency from providing ecological conditions that provide a high likelihood of supporting over time the viability of native and desired non-native species well distributed throughout their ranges within the plan area, plan decisions must provide for ecological conditions well distributed throughout the species range within the plan area to contribute to viability of that species.

(iii) Where species are inherently rare or not naturally well distributed in the plan area, plan decisions should not contribute to the extirpation of the species from the plan area and must provide for ecological conditions to maintain these species considering their natural distribution and abundance.

(iv) Where environmental conditions needed to support a species have been so degraded that it is technically infeasible to restore ecological conditions that would provide a high likelihood of supporting viability, plan decisions must provide for ecological conditions to contribute to supporting over time viability to the degree practicable.

(3) *Federally listed threatened and endangered species.* (i) Plan decisions must provide for implementing actions in conservation agreements with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service that provide a basis for not needing to list a species. In some situations, conditions or events beyond the control or authority of the agency may limit the Forest Service's ability to prevent the need for federal listing. Plan decisions should reflect the unique opportunities that National Forest System lands provide to contribute to recovery of listed species.

(ii) Plan decisions involving species listed under the Endangered Species Act must include, at the scale determined by the responsible official to be appropriate to the plan decision, reasonable and prudent measures and associated terms and conditions contained in final biological opinions issued under 50 CFR part 402. The plan decision documents must provide a rationale for adoption or rejection of discretionary conservation recommendations contained in final biological opinions.

§ 219.21 Social and economic sustainability.

To contribute to economic and social sustainability, the responsible official involves interested and affected people in planning for National Forest System lands (§§ 219.12 through 219.18), provides for the development and consideration of relevant social and economic information and analyses, and a range of uses, values, products, and services.

(a) *Social and economic information and analyses.* To understand the contribution national forests and grasslands make to the economic and social sustainability of local communities, regions, and the nation, the planning process must include the analysis of economic and social information at variable scales, including national, regional, and local scales. Social analyses address human life-styles, cultures, attitudes, beliefs, values, demographics, and land-use patterns, and the capacity of human communities to adapt to changing conditions.

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Economic analyses address economic trends, the effect of national forest and grassland management on the well-being of communities and regions, and the net benefit of uses, values, products, or services provided by national forests and grasslands. Social and economic analyses should recognize that the uses, values, products, and services from national forests and grasslands change with time and the capacity of communities to accommodate shifts in land uses change. Social and economic analyses may rely on quantitative, qualitative, and participatory methods for gathering and analyzing data. Social and economic information may be developed and analyzed through broad-scale assessments and local analyses (§ 219.5), monitoring results (§ 219.11), or other means. For plan revisions, and to the extent the responsible official considers to be appropriate for plan amendments or site-specific decisions, the responsible official must develop or supplement the information and analyses related to the following:

(1) Describe and analyze, as appropriate, the following:

(i) Demographic trends; life-style preferences; public values; land-use patterns; related conservation and land use policies at the state and local level; cultural and American Indian tribe and Alaska Native land settlement patterns; social and cultural history; social and cultural opportunities provided by national forest system lands; the organization and leadership of local communities; community assistance needs; community health; and other appropriate social and cultural information;

(ii) Employment, income, and other economic trends; the range and estimated long-term value of market and non-market goods, uses, services, and amenities that can be provided by national forest system lands consistent with the requirements of ecological sustainability, the estimated cost of providing them, and the estimated effect of providing them on regional and community well-being, employment, and wages; and other appropriate economic information. Special attention should be paid to the uses, values, products, or services that the Forest Service is uniquely poised to provide;

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

(iv) Other social or economic information, if appropriate, to address issues being considered by the responsible official (§ 219.4).

(2) Analyze community or region risk and vulnerability. Risk and vulnerability analyses assess the vulnerability of communities from changes in ecological systems as a result of natural succession or potential management actions. Risk may be considered for geographic, relevant occupational, or other related communities of interest. Resiliency and community capacity should be considered in a risk and vulnerability analysis. Risk and vulnerability analysis may also address potential consequences to communities and regions from land management changes in terms of capital availability, employment opportunities, wage levels, local tax bases, federal revenue sharing, the ability to support public infrastructure and social services, human health and safety, and other factors as necessary and appropriate.

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(b) *Plan decisions*. When making plan decisions that will affect social or economic sustainability, the responsible official must use the information analyses developed in paragraph (a) of this section. Plan decisions contribute to social and economic sustainability by providing for a range of uses, values, products, and services, consistent with ecological sustainability.

The Contribution of Science**§ 219.22 The overall role of science in planning.**

(a) The responsible official must ensure that the best available science is considered in planning. The responsible official, when appropriate, should acknowledge incomplete or unavailable information, scientific uncertainty, and the variability inherent in complex systems.

(b) When appropriate and practicable and consistent with applicable law, the responsible official should provide for independent, scientific peer reviews of the use of science in planning. Independent, scientific peer reviews are conducted using generally accepted scientific practices that do not allow individuals to participate in the peer reviews of documents they authored or co-authored.

§ 219.23 The role of science in assessments, analyses, and monitoring.

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

(b) *Local analyses*. Though not required, a responsible official may include scientists in the development or technical reviews of local analyses and field reviews of the design and selection of subsequent site-specific actions.

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

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

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

(b) The science advisory board is responsible for organizing and conducting a scientific consistency evaluation to determine the following:

(1) If relevant scientific (ecological, social, or economic) information has been considered by the responsible official in a manner consistent with current scientific understanding at the appropriate scales;

(2) If uncertainty of knowledge has been recognized, acknowledged, and adequately documented; and

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

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

§ 219.25 Science advisory boards.

(a) *National science advisory board.* The Forest Service Deputy Chief for Research and Development must establish, convene, and chair a science advisory board to provide scientific advice on issues identified by the Chief of the Forest Service. Board membership must represent a broad range of scientific disciplines including, but not limited to, the physical, biological, economic, and social sciences.

(b) *Regional science advisory boards.* Based upon needs identified by Regional Forester(s) or Research Station Director(s), the Forest Service Research Station Director(s), should establish and convene science advisory boards consistent with the Federal Advisory Committee Act (5 U.S.C. app.) to provide advice to one or more Regional Foresters regarding the application of science in planning and decisionmaking for National Forest System lands. At least one regional science advisory board must be available for each national forest and grassland. The Station Director(s) must chair the board or appoint a chair of such boards.

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The geographical boundaries of the boards need not align with National Forest System Regional boundaries. Board membership must represent a broad range of science disciplines including, but not limited to, the physical, biological, economic, and social sciences. Regional science advisory board tasks may include, but are not limited, to:

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

(2) Evaluating science consistency as described in § 219.24

(c) *Work groups*. With the concurrence of the appropriate chair and subject to available funding, the national or regional science advisory boards may convene work groups to study issues and provide recommendations.

Special Considerations**§ 219.26 Identifying and designating suitable uses.**

National forests and grasslands are suitable for a wide variety of public uses, such as outdoor recreation, livestock grazing, timber harvest, off-road vehicle travel, or other uses except where lands are determined to be unsuited for a particular use. Lands are not suited for a particular use if that use: is prohibited by law, regulation, or Executive Order; is incompatible with the mission or policies of the National Forest System; or would result in substantial and permanent impairment of the productivity of the land. Through a plan amendment or revision, the responsible official may determine whether specific uses may begin, continue, or terminate within the plan area. Planning documents should describe or display lands suitable for various uses in areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions.

§ 219.27 Special designations.

The Forest Service may recommend special designations to higher authorities or, to the extent permitted by law, adopt special designations through plan amendment or revision. Special designations are areas within the National Forest System that are identified for their unique or special characteristics and include the following:

(a) *Congressionally designated areas*. Congressionally designated areas may include, but are not limited to, wilderness, wild and scenic rivers, national trails, scenic areas, recreation areas, and monuments. These nationally significant areas must be managed as required by Congress and may have specific requirements for their management.

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

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(c) Administratively designated areas. Administratively designated areas may include, but are not limited to, critical watersheds, research natural areas, national monuments, geological areas, inventoried roadless areas, unroaded areas, motorized and non-motorized recreation areas, botanical areas, and scenic byways.

§ 219.28 Determination of land suitable for timber harvest.

(a) *Lands where timber may not be harvested.* The plan must identify lands within the plan area where timber may not be harvested. These lands include:

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

(2) Lands where technology is not available for conducting timber harvesting without causing irreversible damage to soil, slope, or other watershed conditions or produce substantial and permanent impairment of the productivity of the land; and

(3) Lands where there are no assurances that such lands can be adequately restocked within 5 years after harvest;

(b) *Lands where timber may be harvested for timber production.* The responsible official may establish timber production as a multiple-use plan objective for lands not identified in paragraph (a) of this section if the costs of timber production are justified by the ecological, social, or economic benefits considering physical, economic, and other pertinent factors to the extent feasible. Lands where timber production is not established as a plan objective are deemed not suited for timber production. These lands must be reviewed by the responsible official at least once every 10 years, or as prescribed by law, to determine their suitability for timber production considering physical, economic, and other pertinent factors to the extent feasible. Based on this review, timber production may be established as a plan objective for these lands through amendment or revision of the plan.

(c) *Lands where timber may be harvested for other multiple-use values.* Except for lands identified in paragraph (a) of this section, timber may be harvested from land where timber production is not established as a plan objective if, based on a site-specific analysis, the responsible official determines and documents that such timber harvest would contribute to achievement of desired conditions and ecological sustainability, and is necessary to protect multiple-use values other than timber production.

§ 219.29 Limitation on timber harvest.

(a) *Estimate of the limitation of timber harvest.* The responsible official must estimate the amount of timber that can be sold annually in perpetuity on a sustained-yield basis from National Forest System lands other than those identified in § 219.28(a). This estimate must be based on the yield of timber that can be removed consistent with achievement of objectives or desired conditions in the applicable plan. In those cases where a national forest has less than 200,000 acres of forested land identified in lands other than those in § 219.28(a), two or more national

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forests may be combined for the purpose of estimating amount of timber that can be sold annually on a sustained-yield basis. Estimations for lands where timber production is established as a plan objective § 219.28(b) and estimations for lands identified in § 219.28(c) cannot be combined.

(b) *Limitation of timber harvest.* The responsible official must limit the sale of timber from the lands where timber production is an objective and from other lands to a quantity equal to or less than that estimated in paragraph (a) of this section.

(c) *Exceptions to limitations of timber harvest.* For purposes of limiting the sale of timber, the responsible official may sell timber from areas that are substantially affected by fire, wind, or other events, or for which there is an imminent threat from insects or disease, and may either substitute such timber for timber that would otherwise be sold or, if not feasible, sell such timber over and above the plan limit established in paragraph (b) of this section. If departure from the quantity of timber removal established in paragraph (b) of this section is necessary to meet overall multiple-use objectives, the requirements in 16 U.S.C. 1611 must be followed.

Planning Documentation**§ 219.30 Plan documentation.**

A plan is a repository of documents that integrates and displays the desired conditions, objectives, standards, and other plan decisions that apply to a unit of the National Forest System. The plan also contains maps, monitoring and evaluation results, the annual monitoring and evaluation report, and other information relevant to how the plan area is to be managed. Planning documents should be clear, understandable, and readily available for public review. Plan documents should be updated through amendments, revision, and routine maintenance (§ 219.31). Plan documents include, at a minimum, the following:

(a) *A summary of the plan.* The summary is a concise description of the plan that includes a summary of the plan decisions and a description of the plan area and appropriate planning units. The summary should include a brief description of the ecological, social, and economic environments within the plan area and the overall strategy for maintenance or restoration of sustainability, including desired conditions and objectives for their achievement. The summary also includes appropriate maps, a description of the transportation system, utility corridors, land ownership patterns and proposed land ownership adjustments, charts, figures, photographs, and other information to enhance understanding.

(b) *Display of public uses.* The plan documents must identify the suitability of the plan area for various uses (§ 219.26) such as recreation uses, livestock grazing, timber harvest, and mineral developments. The plan documents must identify land where timber may not be harvested and where timber production is an objective (§ 219.28). The plan documents also must describe the limitations on the removal of timber (§ 219.29) and the standards for timber harvest and regeneration methods (§ 219.7(c)).

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(c) *Plan decisions.* The plan documents must display or describe the plan decisions (§ 219.7).

(d) *Display of actions and outcomes.* The plan documents must also contain:

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

(2) A 2-year schedule, updated annually, of anticipated outcomes which may include anticipated uses, values, products, or services based on an estimate of Forest Service budget and capacity to perform the identified program of work. The estimate of Forest Service budget and capacity should be based on recent funding levels;

(3) A 2-year summary, updated annually, of the actual outcomes which may include specific uses, values, products, or services provided as a result of completed site-specific actions;

(4) A projected range of outcomes which may include anticipated uses, values, products, and services for the next 15 years, assuming current or likely budgets while considering other spending levels as appropriate. These projections are estimates and as such often contain a high degree of uncertainty; they are intended to describe expected progress in achieving desired conditions and objectives within the plan area. The projections are to be updated during revision of each plan;

(5) A description of the monitoring strategy to occur in the plan area and the annual monitoring and evaluation report; and

(6) A summary of the projected program of work, updated annually, including costs for inventories, assessments, proposed and authorized actions, and monitoring. The projected program of work must be based on reasonably anticipated funding levels. Reasonably anticipated funding levels should be based on recent funding levels. The plan documents must also include a description of the total current-year budget, funded actions, projections for future budgets over the next 2 years; and a display of the budget trends over at least the past 5 years.

(e) *Other components.* A plan must contain or reference a list of materials, Forest Service policies, and decisions used in forming plan decisions. The information should include, but is not limited to, lists of previous decision and environmental documents, assessments, conservation agreements and strategies, biological opinions, inventories, administrative studies, monitoring results, and research relevant to adoption of plan decisions.

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CHAPTER 90 - REFERENCES****91.1 - Exhibit 03 –continued****2000 Planning Rule as amended****§ 219.31 Maintenance of the plan and planning records.**

(a) Each National Forest or Grassland Supervisor must maintain a complete set of the planning documents required under § 219.30 that constitute the plan for the unit. The set of documents must be readily available to the public using appropriate and relevant technology.

(b) The following administrative corrections and additions may be made at any time, are not plan amendments or revisions, and do not require public notice or the preparation of an environmental document under Forest Service NEPA procedures:

- (1) Corrections and updates of data and maps;
- (2) Updates to activity lists and schedules as required by § 219.30(d)(1) through (6);
- (3) Corrections of typographical errors or other non-substantive changes; and
- (4) Changes in monitoring methods other than those required in a monitoring strategy (§ 219.11(c)).

Objections and Appeals**§ 219.32 Objections to plan amendments or plan revisions.**

(a) Any person may object to a proposed amendment or revision prepared under the provisions of this subpart, except for an amendment or revision proposed by the Chief. The objection must be filed within 30 calendar days from the date that the Environmental Protection Agency publishes the notice of availability of a final environmental impact statement regarding a proposed amendment or revision in the Federal Register, or within 30 calendar days of the publication of a public notice of a proposed amendment not requiring preparation of an environmental impact statement. Within 10 days after the close of the objection period, the Responsible Official shall publish notice of all objections in the local newspaper of record. An objection must be filed with the reviewing officer identified in the notice and contain:

- (1) The name, mailing address, and telephone number of the person filing the objection;
- (2) A specific statement of the basis for each objection; and
- (3) A description of the objector's participation in the planning process for the proposed amendment or revision, including a copy of any relevant documents submitted during the planning process.

(b) Objectors may request meetings with the reviewing officer and the responsible official to discuss the objection, to narrow the issues, agree on facts, and explore opportunities for resolution. The reviewing officer must allow other interested persons to participate in such meetings. An interested person must file a request to participate in an objection within ten days after publication of the notice of objection as described in paragraph (a) of this section.

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(c) The reviewing officer must respond, in writing, to an objection within a reasonable period of time and may respond to all objections in one response. The reviewing officer's response regarding an objection is the final decision of the Department of Agriculture.

(d) The responsible official may not approve a proposed amendment or revision until the reviewing officer has responded to all objections. A decision by the responsible official approving an amendment or revision must be consistent with the reviewing officer's response to objections to the proposed amendment or revision.

(e) Where the Forest Service is a participant in a multi-agency decision subject to objection under this subpart, the responsible official and reviewing officer may waive the objection procedures of this subpart to adopt the administrative review procedure of another participating federal agency, if the responsible official and the responsible official of the other agencies agree to provide a joint response to those who have filed for administrative review of the multi-agency decision.

(f) The information collection requirements of this section have been approved by the Office of Management and Budget and assigned control number 0596-0158.

§ 219.33 Appeals of site-specific decisions.

If a site-specific decision is proposed in conjunction with a plan amendment or revision, a person may object to the proposed plan amendment or revision as described in (§ 219.32). If a decision is made to authorize a site-specific action, a person may request administrative review of that decision as described in 36 CFR part 215.

Applicability and Transition**§ 219.34 Applicability.**

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

§ 219.35 Transition.

(a) The transition period begins on November 9, 2000, and ends upon the completion of the revision process (§ 219.9) for each unit of the National Forest System. During the transition period, the responsible official must consider the best available science in implementing and, if appropriate, amending the plan.

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(b) Until the Department promulgates superseding planning regulations pursuant to the National Forest Management Act,, a responsible official may elect to continue or to initiate new plan amendments or revisions under the 1982 planning regulations in effect prior to November 9, 2000 (See 36 CFR parts 200 to 299, Revised as of July 1, 2000), or the responsible official may conduct the amendment or revision process in conformance with the provisions of this subpart.

(c) If a review of lands not suited for timber production is required before the completion of the revision process, the review must take place as described by the provisions of § 219.28, except as provided in paragraph (b) of this section.

d) The date by which site-specific decisions made by the responsible official must be in conformance with the provisions of this subpart is extended from November 9, 2003, until the Department promulgates superseding planning regulations pursuant to the National Forest Management Act.

(e) Within 1 year of November 9, 2000, the Regional Forester must withdraw the regional guide. When a regional guide is withdrawn, the Regional Forester must identify the decisions in the regional guide that are to be transferred to a regional supplement of the Forest Service directive system (36 CFR 200.4) or to one or more plans and give notice in the Federal Register of these actions. The transfer of direction from a regional guide to a regional supplement of the Forest Service directive system or to one or more plans does not constitute an amendment, revision, or site-specific action subject to Forest Service NEPA procedures.

(f) Within 3 years after completion of the revision process for a unit, the responsible official must complete the first monitoring and evaluation report as required in § 219.11(f).

(g) Within 1 year of November 9, 2000, the Chief of the Forest Service must establish a schedule for completion of the revision process for each unit of the National Forest System.

Appendix A to § 219.35**Interpretive Rule Related to § 219.35(b)**

The Department is making explicit its preexisting understanding of § 219.35(b) with regard to the appeal or objection procedures that may be applied to amendments or revisions of land and resource management plans during the transition from the appeal procedures in effect prior to November 9, 2000,, to the objection procedures of § 219.32 as follows:

1. During the transition period, the option to proceed under the 1982 regulations or under the provisions of this subpart specifically includes the option to select either the objection procedures of this subpart or the optional appeal procedures published at 54 FR 3357 (January 23, 1989), as amended at 54 FR 13807 (April 5, 1989); 54 FR 34509 (August 21, 1989); 55 FR 7895 (March 6, 1990); 56 FR 4918 (February 6, 1991); 56 FR 46550 (September 13, 1991); and 58 FR 58915 (November 4, 1993).

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The Department is clarifying the intent of the transition provisions of paragraphs (a) and (b) of § 219.35 with regard to the consideration and use of the best available science to inform project decisionmaking that implements a land management plan as follows:

1. Under the transition provisions of paragraph (a), the responsible official must consider the best available science in implementing and, if appropriate, in amending existing plans. Paragraph (b) allows the responsible official to elect to prepare plan amendments and revisions using the provisions of the 1982 planning regulation until a new final planning rule is adopted.

2. Until a new final rule is promulgated, the transition provisions of § 219.35 remain in effect. The 1982 rule is not in effect. During the transition period, responsible officials may use the provisions of the 1982 rule to prepare plan amendments and revisions. Projects implementing land management plans must comply with the transition provisions of § 219.35, but not any other provisions of the 2000 planning rule. Projects implementing land management plans and plan amendments, as appropriate, must be developed considering the best available science in accordance with § 219.35(a). Projects implementing land management plans must be consistent with the provisions of the governing plan.

Definitions**§ 219.36 Definitions.**

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

Adaptive management: An approach to natural resource management wherein the effects of policies, plans, and actions are monitored for the purpose of learning and adjusting future management actions. Successive iteration of the adaptive process is essential in contributing to sustainability.

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

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

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

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Current climatic period: The period of time since establishment of the modern major vegetation types, which typically encompass the late Holocene Epoch including the present, including likely climatic conditions within the planning period. The climatic period is typically centuries to millennia in length, a period of time that is long enough to encompass the variability that species and ecosystems have experienced.

Desired condition: A statement describing a common vision for a specific area of land or type of land within the plan area. Statements of desired conditions should include the estimated time required for their achievement.

Desired non-native species: Those species of plants or animals which are not indigenous to an area but valued for their contribution to species diversity or their high social, cultural or economic value.

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

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

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

Ecological sustainability: The maintenance or restoration of the composition, structure, and processes of ecosystems including the diversity of plant and animal communities and the productive capacity of ecological systems.

Ecosystem composition: The plant and animal species and communities in the plan area.

Ecosystem processes: Ecological functions such as photosynthesis, energy flow, nutrient cycling, water movement, disturbance, and succession.

Ecosystem structure: The biological and physical attributes that characterize ecological systems.

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Focal species: Focal species are surrogate measures used in the evaluation of ecological sustainability, including species and ecosystem diversity. The key characteristic of a focal species is that its status and trend provide insights to the integrity of the larger ecological system to which it belongs. Individual species, or groups of species that use habitat in similar ways or which perform similar ecological functions, may be identified as focal species. Focal species serve an umbrella function in terms of encompassing habitats needed for many other species, play a key role in maintaining community structure or processes, are sensitive to the changes likely to occur in the area, or otherwise serve as an indicator of ecological sustainability. Certain focal species may be used as surrogates to represent ecological conditions that provide for viability of some other species, rather than directly representing the population dynamics of those other species.

Forest Service NEPA procedures: The Forest Service policy and procedures for implementing the National Environmental Policy Act (NEPA) and the Council on Environmental Quality regulations (40 CFR chapter V) as described in Chapter 1950 of the Forest Service Manual and Forest Service Handbook 1909.15, Environmental Policy and Procedures Handbook (See 36 CFR 200.4 for availability).

Inherently rare species: A species is inherently rare if it occurs in only a limited number of locations, has low population numbers, or has both limited occurrences and low population numbers, and those conditions are natural characteristics of the life history and ecology of the species and not primarily the result of human disturbance.

Inventoried roadless areas: Areas are identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation, Draft Environmental Impact Statement, Volume 2, dated May 2000, which are held at the National headquarters office of the Forest Service, or any subsequent update or revision of those maps.

Major vegetation types: Plant communities, which are typically named after dominant plant species that are characteristic of the macroclimate and geology of the region or sub-region.

Native species: Species of the plant and animal kingdom indigenous to the plan area or assessment area.

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

Productive capacity of ecological systems: The ability of an ecosystem to maintain primary productivity including its ability to sustain desirable conditions such as clean water, fertile soil, riparian habitat, and the diversity of plant and animal species; to sustain desirable human uses; and to renew itself following disturbance.

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Range of variability: The expected range of variation in ecosystem composition, and structure that would be expected under natural disturbance regimes in the current climatic period. These regimes include the type, frequency, severity, and magnitude of disturbance in the absence of fire suppression and extensive commodity extraction.

Reference landscapes: Places identified in the plan area where the conditions and trends of ecosystem composition, structure, and processes are deemed useful for setting objectives for desired conditions and for judging the effectiveness of plan decisions.

Responsible official: The officer with the authority and responsibility to oversee the planning process and make decisions on proposed actions.

Reviewing officer: The supervisor of the responsible official.

Social and economic sustainability: Meeting the economic, social, aesthetic, and cultural needs and desires of current generations without reducing the capacity of the environment to provide for the needs and desires of future generations, considering both local communities and the nation as a whole. It also involves the capacity of citizens to communicate effectively with each other and to make sound choices about their environment.

Species: Any member of the animal or plant kingdom that is described as a species in a peer-reviewed scientific publication and is identified as a species by the responsible official pursuant to a plan decision, and must include all species listed under the Endangered Species Act as threatened, endangered, candidate, or proposed for listing by the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

Species-at-risk: Federally listed endangered, threatened, candidate, and proposed species and other species for which loss of viability, including reduction in distribution or abundance, is a concern within the plan area. Other species-at-risk may include sensitive species and state listed species. A species-at-risk also may be selected as a focal species.

Species viability: A species consisting of self-sustaining and interacting populations that are well distributed through the species' range. Self-sustaining populations are those that are sufficiently abundant and have sufficient diversity to display the array of life history strategies and forms to provide for their long-term persistence and adaptability over time.

Successional stages: The different structural and compositional phases of vegetation development of forests and grasslands that occur over time following disturbances that kill, remove, or reduce vegetation and include the major developmental or seral stages that occur within a particular environment.

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

Undeveloped areas: Areas, including but not limited to inventoried roadless areas and unroaded areas, within national forests or grasslands that are of sufficient size and generally untrammelled by human activities such that they are appropriate for consideration for wilderness designation in the planning process.

Unroaded areas: Any area, without the presence of a classified road, of a size and configuration sufficient to protect the inherent characteristics associated with its roadless condition. Unroaded areas do not overlap with inventoried roadless areas.

Subpart B--[Reserved]

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CHAPTER 90 - REFERENCES**

91.1 - Exhibit 04

The Planning Regulations In Effect before November 9, 2000 (1982 procedures)

The planning regulations in effect before November 9, 2000 for those land management plans that continue to use those provisions under 36 CFR 219.14 (See 36 CFR parts 200 to 299, Revised as of July 1, 2010).

TITLE 36--PARKS, FORESTS, AND PUBLIC PROPERTY

CHAPTER II--FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 219--PLANNING

Subpart A--National Forest System Land and Resource Management Planning

Sec.

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- 219.2 Scope and applicability.
- 219.3 Definitions and terminology.
- 219.4 Planning levels.
- 219.5 Interdisciplinary approach.
- 219.6 Public participation.
- 219.7 Coordination with other public planning efforts.
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The planning regulations in effect before November 9, 2000

219.26 Diversity.

219.27 Management requirements.

219.28 Research.

219.29 Transition period.

Subpart B--[Reserved]

Subpart A--National Forest System Land and Resource Management Planning

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

Source: 47 FR 43037, Sept. 30, 1982, unless otherwise noted.

Sec. 219.1 Purpose and principles.

(a) The regulations in this subpart set forth a process for developing, adopting, and revising land and resource management plans for the National Forest System as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (hereafter, RPA). These regulations prescribe how land and resource management planning is to be conducted on National Forest System lands. The resulting plans shall provide for multiple use and sustained yield of goods and services from the National Forest System in a way that maximizes long term net public benefits in an environmentally sound manner.

(b) Plans guide all natural resource management activities and establish management standards and guidelines for the National Forest System. They determine resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management. Regional and forest planning will be based on the following principles:

(1) Establishment of goals and objectives for multiple-use and sustained-yield management of renewable resources without impairment of the productivity of the land;

(2) Consideration of the relative values of all renewable resources, including the relationship of nonrenewable resources, such as minerals, to renewable resources;

(3) Recognition that the National Forests are ecosystems and their management for goods and services requires an awareness and consideration of the interrelationships among plants, animals, soil, water, air, and other environmental factors within such ecosystems;

(4) Protection and, where appropriate, improvement of the quality of renewable resources;

(5) Preservation of important historic, cultural, and natural aspects of our national heritage;

(6) Protection and preservation of the inherent right of freedom of American Indians to believe, express, and exercise their traditional religions;

(7) Provision for the safe use and enjoyment of the forest resources by the public;

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(8) Protection, through ecologically compatible means, of all forest and rangeland resources from depredations by forest and rangeland pests;

(9) Coordination with the land and resource planning efforts of other Federal agencies, State and local governments, and Indian tribes;

(10) Use of a systematic, interdisciplinary approach to ensure coordination and integration of planning activities for multiple-use management;

(11) Early and frequent public participation;

(12) Establishment of quantitative and qualitative standards and guidelines for land and resource planning and management;

(13) Management of National Forest System lands in a manner that is sensitive to economic efficiency; and

(14) Responsiveness to changing conditions of land and other resources and to changing social and economic demands of the American people.

Sec. 219.2 Scope and applicability.

The regulations in this subpart apply to the National Forest System, which includes special areas, such as wilderness, wild and scenic rivers, national recreation areas, and national trails. Whenever the special area authorities require additional planning, the planning process under this subpart shall be subject to those authorities.

(a) Unless inconsistent with special area authorities, requirements for additional planning for special areas shall be met through plans required under this subpart.

(b) If, in a particular case, special area authorities require the preparation of a separate special area plan, the direction in any such plan may be incorporated without modification in plans prepared under this subpart.

Sec. 219.3 Definitions and terminology.

For purposes of this subpart the following terms, respectively, shall mean:

Allowable sale quantity: The quantity of timber that may be sold from the area of suitable land covered by the forest plan for a time period specified by the plan. This quantity is usually expressed on an annual basis as the "average annual allowable sale quantity."

Base sale schedule: A timber sale schedule formulated on the basis that the quantity of timber planned for sale and harvest for any future decade is equal to or greater than the planned sale and harvest for the preceding decade, and this planned sale and harvest for any decade is not greater than the long-term sustained yield capacity.

Biological growth potential: The average net growth attainable in a fully stocked natural forest stand.

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Capability: The potential of an area of land to produce resources, supply goods and services, and allow resource uses under an assumed set of management practices and at a given level of management intensity.

Capability depends upon current conditions and site conditions such as climate, slope, landform, soils, and geology, as well as the application of management practices, such as silviculture or protection from fire, insects, and disease.

Corridor: A linear strip of land identified for the present or future location of transportation or utility rights-of-way within its boundaries.

Cost efficiency: The usefulness of specified inputs (costs) to produce specified outputs (benefits). In measuring cost efficiency, some outputs, including environmental, economic, or social impacts, are not assigned monetary values but are achieved at specified levels in the least cost manner. Cost efficiency is usually measured using present net value, although use of benefit-cost ratios and rates-of-return may be appropriate.

Diversity: The distribution and abundance of different plant and animal communities and species within the area covered by a land and resource management plan.

Even-aged management: The application of a combination of actions that results in the creation of stands in which trees of essentially the same age grow together. Managed even-aged forests are characterized by a distribution of stands of varying ages (and, therefore, tree sizes) throughout the forest area. The difference in age between trees forming the main canopy level of a stand usually does not exceed 20 percent of the age of the stand at harvest rotation age.

Regeneration in a particular stand is obtained during a short period at or near the time that a stand has reached the desired age or size for regeneration and is harvested. Clearcut, shelterwood, or seed tree cutting methods produce even-aged stands.

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 use. 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 powerline clearing of any width.

Goal: A concise statement that describes a desired condition to be achieved sometime in the future. It is normally expressed in broad, general terms and is timeless in that it has no specific date by which it is to be completed. Goal statements form the principal basis from which objectives are developed.

Goods and services: The various outputs, including on-site uses, produced from forest and rangeland resources.

Integrated pest management: A process for selecting strategies to regulate forest pests in which all aspects of a pest-host system are studied and weighed. The information considered in selecting appropriate strategies includes the impact of the unregulated pest population on various resources values, alternative regulatory tactics and strategies, and benefit/cost estimates for these alternative strategies. Regulatory strategies are based on sound silvicultural practices and ecology of the pest-host system and consist of a combination of tactics such as timber stand

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improvement plus selective use of pesticides. A basic principle in the choice of strategy is that it be ecologically compatible or acceptable.

Long-term sustained-yield timber capacity: The highest uniform wood yield from lands being managed for timber production that may be sustained under a specified management intensity consistent with multiple-use objectives.

Management concern: An issue, problem, or a condition which constrains the range of management practices identified by the Forest Service in the planning process.

Management direction: A statement of multiple-use and other goals and objectives, the associated management prescriptions, and standards and guidelines for attaining them.

Management intensity: A management practice or combination of management practices and associated costs designed to obtain different levels of goods and services.

Management practice: A specific activity, measure, course of action, or treatment.

Management prescription: Management practices and intensity selected and scheduled for application on a specific area to attain multiple-use and other goals and objectives.

Multiple use: The management of all the various renewable surface resources of the National Forest System so that they are utilized 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 use to conform to changing needs and conditions; that some lands will be used for less than all of the resources; and 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.

Net public benefits: An expression used to signify the overall long-term value to the nation of all outputs and positive effects (benefits) less all associated inputs and negative effects (costs) whether they can be quantitatively valued or not. Net public benefits are measured by both quantitative and qualitative criteria rather than a single measure or index. The maximization of net public benefits to be derived from management of units of the National Forest System is consistent with the principles of multiple use and sustained yield.

Objective: A concise, time-specific statement of measurable planned results that respond to pre-established goals. An objective forms the basis for further planning to define the precise steps to be taken and the resources to be used in achieving identified goals.

Planning area: The area of the National Forest System covered by a regional guide or forest plan.

Planning period: One decade. The time interval within the planning horizon that is used to show incremental changes in yields, costs, effects, and benefits.

Planning horizon: The overall time period considered in the planning process that spans all activities covered in the analysis or plan and all future conditions and effects of proposed actions which would influence the planning decisions.

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Present net value: The difference between the discounted values (benefits) of all outputs to which monetary values or established market prices are assigned and the total discounted costs of managing the planning area.

Public issue: A subject or question of widespread public interest relating to management of the National Forest System.

Real dollar value: A monetary value which compensates for the effects of inflation.

Receipt shares: The portion of receipts derived from Forest Service resource management that is distributed to State and county governments, such as the Forest Service 25 percent fund payments.

Responsible line officer: The Forest Service employee who has the authority to select and/or carry out a specific planning action.

Sale schedule: The quantity of timber planned for sale by time period from an area of suitable land covered by a forest plan. The first period, usually a decade, of the selected sale schedule provides the allowable sale quantity. Future periods are shown to establish that long-term sustained yield will be achieved and maintained.

Silvicultural system: A management process whereby forests are tended, harvested, and replaced, resulting in a forest of distinctive form. Systems are classified according to the method of carrying out the fellings that remove the mature crop and provide for regeneration and according to the type of forest thereby produced.

Suitability: The appropriateness of applying certain resource management practices to a particular area of land, as determined by an analysis of the economic and environmental consequences and the alternative uses foregone. A unit of land may be suitable for a variety of individual or combined management practices.

Sustained-yield of products and services: The achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the National Forest System without impairment of the productivity of the land.

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. For purposes of this subpart, the term timber production does not include production of fuelwood.

Uneven-aged management: The application of a combination of actions needed to simultaneously maintain continuous high-forest cover, recurring regeneration of desirable species, and the orderly growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products. Cutting is usually regulated by specifying the number or proportion of trees of particular sizes to retain within each area, thereby maintaining a planned distribution of size classes. Cutting methods that develop and maintain uneven-aged stands are single-tree selection and group selection.

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(a) General guideline. Planning requires a continuous flow of information and management direction among the three Forest Service administrative levels: national, regional, and forest. Management direction shall:

(1) Include requirements for analysis to determine programs that maximize net public benefits, consistent with locally derived information about production capabilities;

(2) Reflect production capabilities, conditions and circumstances observed at all levels; and

(3) Become increasingly specific as planning progresses from the national to the forest level. In this structure, regional planning is a principal process for conveying management direction from the national level to the forest level and for conveying information from forest level to the national level. The planning process is essentially iterative in that the information from the forest level flows up to the national level where in turn information in the RPA Program flows back to the forest level.

(b) Planning levels and relationships--(1) National. The Chief of the Forest Service shall develop the Renewable Resources Assessment and Program (hereafter, "RPA Assessment and RPA Program") according to sections 3 and 4 of the RPA.

(i) RPA Assessment. The RPA Assessment shall include analysis of present and anticipated uses, demand for, and supply of the renewable resources of forest, range, and other associated lands with consideration of, and an emphasis on, pertinent supply, demand, and price relationship trends; an inventory of present and potential renewable resources and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government; a description of Forest Service programs and responsibilities in research, cooperative programs, and management of the National Forest System; and analysis of important policy issues and consideration of laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands. The RPA Assessment shall be based on the future capabilities of forest and rangelands and shall include information generated during the regional, forest, and other planning processes.

(ii) RPA Program. The RPA Program shall consider the costs of supply and the relative values of both market and nonmarket outputs. The alternatives considered shall include national renewable resource goals and quantified objectives for resource outputs and other benefits and shall be designed to represent a range of expenditure levels sufficient to demonstrate full opportunities for management. A portion of each national objective developed in the RPA Program shall be distributed to each region and be incorporated into each regional guide. Resource objectives shall be tentatively selected for each forest planning area. In formulating the objectives for each region and forest planning area, local supply capabilities and market conditions will be considered.

(2) Regional. Each Regional Forester shall develop a regional guide. Regional guides shall establish regional standards and guidelines as required by Sec. 219.9(a). Consistent with resource

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capabilities, regional guides shall reflect goals and objectives of the RPA Program. For planning purposes, the regional guides shall display tentative resource objectives for each Forest from the RPA Program. Regional guides shall also provide for general coordination of National Forest System, State and Private Forestry (S&PF), and Research programs. The Chief shall approve the regional guide. The Regional Forester may request adjustment of assigned regional objectives. Any adjustment shall require the approval of the Chief, Forest Service.

(3) Forest. Each Forest Supervisor shall develop a forest plan for administrative units of the National Forest System. One forest plan may be prepared for all lands for which a Forest Supervisor has responsibility; or separate forest plans may be prepared for each National Forest, or combination of National Forests, within the jurisdiction of a single Forest Supervisor. A single forest plan may be prepared for the entire Tongass National Forest. These forest plans shall constitute the land and resource management plans as required under sections 6 and 13 of the RPA. A range of resource objectives shall be formulated as alternatives and evaluated, including at least one alternative which responds to and incorporates the tentative RPA Program resource objectives displayed in the regional guide. Based on this evaluation, the Forest Supervisor shall recommend objectives for incorporation into the forest plan to the Regional Forester. The Regional Forester shall approve the forest plan. This approval may incorporate adjustment of the tentative RPA Program resource objectives displayed in the regional guide.

Sec. 219.5 Interdisciplinary approach.

(a) A team representing several disciplines shall be used for regional and forest planning to insure coordinated planning of the various resources. Through interactions among its members, the team shall integrate knowledge of the physical, biological, economic and social sciences, and the environmental design arts in the planning process. The team shall consider problems collectively, rather than separating them along disciplinary lines. Team functions include, but are not limited to—

- (1) Assessing the problems and resource use and development opportunities associated with providing goods and services;
- (2) Obtaining the public's views about possible decisions;
- (3) Implementing the planning coordination activities within the Forest Service and with local, State and other Federal agencies;
- (4) Developing a broad range of alternatives which identify the benefits and costs of land and resource management according to the planning process described in this subpart.
- (5) Developing the land and resource management plan and associated environmental impact statement required pursuant to the planning process;
- (6) Presenting to the responsible line officer an integrated perspective on land and resource management planning; and
- (7) Establishing the standards and requirements by which planning and management activities will be monitored and evaluated.

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(b) In appointing team members, the responsible line officer shall determine and consider the qualifications of each team member on the basis of the complexity of the issues and concerns to be addressed through the plan. The team shall collectively represent diverse specialized areas of professional and technical knowledge applicable to the planning area, and the team members shall have recognized relevant expertise and experience in professional, investigative, scientific, or other responsible work in specialty areas which they collectively represent. The team may consist of whatever combination of Forest Service staff and other Federal government personnel is necessary to achieve an interdisciplinary approach. The team is encouraged to consult other persons when required specialized knowledge does not exist within the team itself. In addition to technical knowledge in one or more resource specialties, members should possess other attributes which enhance the interdisciplinary process. As a minimum, these attributes should include--

- (1) An ability to solve complex problems;
- (2) Skills in communication and group interaction;
- (3) Basic understanding of land and natural resource planning concepts, processes, and analysis techniques; and
- (4) The ability to conceptualize planning problems and feasible solutions.

Sec. 219.6 Public participation.

(a) Because the land and resource management planning process determines how the lands of the National Forest System are to be managed, the public is encouraged to participate throughout the planning process. The intent of public participation is to--

- (1) Broaden the information base upon which land and resource management planning decisions are made;
- (2) Ensure that the Forest Service understands the needs, concerns, and values of the public;
- (3) Inform the public of Forest Service land and resource planning activities; and
- (4) Provide the public with an understanding of Forest Service programs and proposed actions.

(b) Public participation in the preparation of environmental impact statements for planning begins with the publication of a notice of intent in the Federal Register. Public involvement in the preparation of draft and final environmental impact statements shall conform to the requirements of the National Environmental Policy Act and associated implementing regulations and Forest Service Manual and Handbook guidance (hereafter, "NEPA procedures"). Public comments shall be analyzed according to NEPA procedures.

(c) Public participation activities, as deemed appropriate by the responsible line officer, shall be used early and often throughout the development of plans. Formal public participation activities will begin with a notice to the news media and other sources which includes, as appropriate, the following information:

- (1) A description of the proposed planning action;

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- (2) A description and map of the geographic area affected;
 - (3) The issues expected to be discussed;
 - (4) The kind, extent, and method(s) of public participation to be used;
 - (5) The times, dates, and locations scheduled or anticipated, for public meetings;
 - (6) The name, title, address, and telephone number of the Forest Service official who may be contacted for further information; and
 - (7) The location and availability of documents relevant to planning process.
- (d) Public participation activities should be appropriate to the area and people involved. Means of notification should be appropriate to the level of planning. Public participation activities may include, but are not limited to, requests for written comments, meetings, conferences, seminars, workshops, tours, and similar events designed to foster public review and comment. The Forest Service shall state the objectives of each participation activity to assure that the public understands what type of information is needed and how this information relates to the planning process.
- (e) Public comments shall be considered individually and by type of group and organization to determine common areas of concern and geographic distribution. The result of this analysis should be evaluated to determine the variety and intensity of viewpoints about ongoing and proposed planning and management standards and guidelines.
- (f) All scheduled public participation activities shall be documented by a summary of the principal issues discussed, comments made, and a register of participants.
- (g) At least 30 days' public notice shall be given for public participation activities associated with the development of regional guides and forest plans. Any notice requesting written comments on regional planning shall allow at least 60 calendar days for response. A similar request on forest planning shall allow at least 30 calendar days for response. Draft regional guides and forest plans and environmental impact statements shall be available for public comment for at least 3 months. See also Secs. 219.8(c) and 219.10(b).
- (h) The responsible line officer shall attend, or provide for adequate representation at, public participation activities.
- (i) Copies of approved guides and plans shall be available for public review as follows:
- (1) The RPA Assessment and the RPA Program shall be available at national headquarters, The Northeastern Area State and Private Forestry Office, and all Regional offices, Research Stations, Forest Supervisors' offices, and District Rangers' offices;
 - (2) The regional guides shall be available at national headquarters, the issuing regional office and regional offices of contiguous regions, each Forest Supervisor's office of forests within and contiguous to the issuing region, and each District Ranger's office in the region;
 - (3) The forest plan shall be available at the regional office for the forest, the Forest Supervisor's office, Forest Supervisors' offices contiguous to the forest, District Rangers' offices within the forest, and at least one additional location, to be determined by the Forest Supervisor, which shall offer convenient access to the public. These documents may be made available at other locations convenient to the public.

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(j) Documents considered in the development of plans shall be available at the office where the plans were developed.

(k) Forest planning activities should be coordinated to the extent practicable with owners of lands that are intermingled with, or dependent for access upon, National Forest System lands. The results of this coordination shall be included in the environmental impact statement for the plan as part of the review required in Sec. 219.7(c). The responsible line officer may individually notify these owners of forest planning activities where it is determined that notice provided for the general public is not likely to reach the affected landowners.

(l) Fees for reproducing requested documents shall be charged according to the Secretary of Agriculture's Fee Schedule (7 CFR part 1, subpart A, appendix A).

Sec. 219.7 Coordination with other public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.

(b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the official or agency so designated by the affected State (including the Commonwealth of Puerto Rico). The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted and to the heads of units of government for the counties involved. These notices shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures (40 CFR 1501.7).

(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include--

(1) Consideration of the objectives of other Federal, State and local governments, and Indians tribes, as expressed in their plans and policies;

(2) An assessment of the interrelated impacts of these plans and policies;

(3) A determination of how each Forest Service plan should deal with the impacts identified; and,

(4) Where conflicts with Forest Service planning are identified, consideration of alternatives for their resolution.

(d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative. Such conferences may be held in conjunction with other public

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participation activities, if the opportunity for government officials to participate in the planning process is not thereby reduced.

(e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.

(f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.

[47 FR 43037, Sept. 30, 1982, as amended at 48 FR 29122, June 24, 1983]

Sec. 219.8 Regional planning procedure.

(a) Regional guide. A regional guide shall be developed for each administratively designated Forest Service region. Regional guides shall reflect general coordination of National Forest System, State and Private Forestry, and Research programs. Regional guides shall provide standards and guidelines for addressing major issues and management concerns which need to be considered at the regional level to facilitate forest planning. Public participation and coordination, the current RPA Program and Assessment, and the existing forest and resource plans shall be used as sources of information in meeting this requirement. Data and information requirements established nationally will be followed in structuring and maintaining required data.

(b) Responsibilities--(1) Chief, Forest Service. The Chief shall establish agency-wide policy for regional planning and approve all regional guides.

(2) Regional forester. The Regional Forester has overall responsibility for preparing and implementing the regional guide and for preparing the environmental impact statement for proposed standards and guidelines in the regional guide. The Regional Forester appoints and supervises the interdisciplinary team.

(3) Interdisciplinary team. The team, under the direction of the Regional Forester, implements the public participation and coordination activities required by Sec. 219.6 and Sec. 219.7. The team shall continue to function even though membership may change and shall monitor and evaluate planning results and recommend amendments. The team shall develop a regional guide in compliance with NEPA procedures.

(c) Public review. A draft and final environmental impact statement shall be prepared for the proposed standards and guidelines in the regional guide according to NEPA procedures. To the extent feasible, a single process shall be used to meet planning and NEPA requirements. The

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draft statement shall identify a preferred alternative. Beginning on the date of publication of the notice of availability of the draft environmental impact statement in the Federal Register, the statement and the proposed guide shall be available for public comment for at least 3 months at convenient locations in the vicinity of the lands covered by the guide. During this period, and in accordance with the provisions in Sec. 219.6, the Regional Forester or his designee shall publicize and hold public participation activities as deemed necessary for adequate public input.

(d) Guide approval. The Chief shall review the proposed guide and the final environmental impact statement and either approve or disapprove the guide.

(1) Approval. The Chief shall prepare a concise public record of decision which documents approval and accompanies the regional guide and the final environmental impact statement. The record or decision shall be prepared according to NEPA procedures (40 CFR 1505.2). The approved regional guide shall not become effective until at least 30 days after publication of the notice of availability of the final environmental impact statement in the Federal Register.

(2) Disapproval. The Chief shall return the regional guide and final environmental impact statement to the Regional Forester with a written statement of the reasons for disapproval. The Chief may also specify a course of action to be undertaken by the Regional Forester in order to remedy deficiencies, errors, or omissions in the regional guide or environmental impact statement.

(e) Public appeal of approval decisions. The provisions of 36 CFR part 211, subpart B apply to any administrative appeal of the Chief's decision to approve a regional guide. Decisions to disapprove a guide and other decisions made during the regional planning process prior to issuance of a record of decision approving the guide are not subject to administrative appeal.

(f) Amendment. The Regional Forester may amend the regional guide. The Regional Forester shall determine whether the proposed amendment would result in a significant change in the guide. If the change resulting from the proposed amendment is determined to be significant, the Regional Forester shall follow the same procedure for amendment as that required for development and approval of a regional guide. If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Regional Forester may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures.

(g) Planning records. The Regional Forester shall develop and maintain planning records that document decisions and activities that result from the process of developing a regional guide and the accomplishment of legal and administrative planning requirements. These records include at least the draft environmental impact statement, final environmental impact statement, regional guide, record of decision, a work plan to guide and manage planning, the procedures used in completing each action, and the results of these actions.

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(a) The regional guide shall contain--

(1) A summary of the analysis of the regional management situation, including a brief description of the existing management situation and the major issues and management concerns which need to be addressed at the regional level to facilitate forest planning;

(2) A description of management direction including programs, goals, and objectives;

(3) A display of tentative resource objectives for each forest planning area from the current RPA Program;

(4) New or significantly changed regional management standards and guidelines necessary to address major regional issues and management concerns identified in paragraph (a)(1) of this section;

(5) Specific standards and guidelines for the following--

(i) Prescribing appropriate harvest cutting methods to be used within the region according to geographic areas, forest types, or other suitable classifications;

(ii) Establishing the maximum size, dispersal, and size variation of tree openings created by even-aged management, and the state of vegetation that will be reached before a cut-over area is no longer considered an opening, using factors enumerated in Sec. 219.27(d);

(iii) Defining the management intensities and utilization standards to be used in determining harvest levels for the region;

(iv) Designating transportation corridors and associated direction for forest planning, such as management requirements for corridors, transmission lines, pipelines, and water canals. (The designation of corridors is not to preclude the granting of separate rights-of-way over, upon, under, or through the Federal lands where the authorized line officer determines that confinement to a corridor is not appropriate.) (43 U.S.C. 1763, 36 CFR 251.56); and

(v) Identifying in forest plans significant current and potential air pollution emissions from management activities and from other sources in and around the forest planning area and identifying measures needed to coordinate air quality control with appropriate air quality regulation agencies.

(6) A description of the monitoring and evaluation necessary to determine and report achievements and effects of the guide.

(7) A description of measures to achieve coordination of National Forest System, State and Private Forestry, and Research programs.

(b) Existing regional standards and guidelines that are part of the Forest Service directives system, and that are not altered or superseded in the course of complying with Sec. 219.9(a)(4), shall remain in effect.

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(a) Responsibilities--(1) Regional Forester. The Regional Forester shall establish regional policy for forest planning and approve all forest plans in the region.

(2) Forest Supervisor. The Forest Supervisor has overall responsibility for the preparation and implementation of the forest plan and preparation of the environmental impact statement for the forest plan. The Forest Supervisor appoints and supervises the interdisciplinary team.

(3) Interdisciplinary team. The team, under the direction of the Forest Supervisor, implements the public participation and coordination activities required by Sec. 219.6 and Sec. 219.7. The team shall continue to function even though membership may change and shall monitor and evaluate planning results and recommend revisions and amendments. The interdisciplinary team shall develop a forest plan and environmental impact statement using the process established in Sec. 219.12 and paragraph (b) below.

(b) Public review of plan and environmental impact statement. A draft and final environmental impact statement shall be prepared for the proposed plan according to NEPA procedures. The draft environmental impact statement shall identify a preferred alternative. To comply with 16 U.S.C. 1604(d), the draft environmental impact statement and proposed plan shall be available for public comment for at least 3 months, at convenient locations in the vicinity of the lands covered by the plan, beginning on the date of the publication of the notice of availability in the Federal Register. During this period, and in accordance with the provisions in Sec. 219.6, the Forest Supervisor shall publicize and hold public participation activities as deemed necessary to obtain adequate public input.

(c) Plan approval. The Regional Forester shall review the proposed plan and the final environmental impact statement and either approve or disapprove the plan.

(1) Approval. The Regional Forester shall prepare a concise public record of decision which documents approval and accompanies the plan and final environmental impact statement. The record of decision shall be prepared according to NEPA procedures (40 CFR 1505.2). The approved plan shall not become effective until at least 30 days after publication of the notice of availability of the final environmental impact statement in the Federal Register, to comply with 16 U.S.C. 1604(d) and 1604(j).

(2) Disapproval. The Regional Forester shall return the plan and final environmental impact statement to the Forest Supervisor with a written statement of the reasons for disapproval. The Regional Forester may also specify a course of action to be undertaken by the Forest Supervisor in order to remedy deficiencies, errors, or omissions in the plan or environmental impact statement.

(d) Public appeal of approval decision. The provisions of 36 CFR part 211, subpart B apply to any administrative appeal of the Regional Forester's decision to approve a forest plan. Decisions to disapprove a plan and other decisions made during the forest planning process prior to the issuance of a record of decision approving the plan are not subject to administrative appeal.

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(e) Plan implementation. As soon as practicable after approval of the plan, the Forest Supervisor shall ensure that, subject to valid existing rights, all outstanding and future permits, contracts, cooperative agreements, and other instruments for occupancy and use of affected lands are consistent with the plan. Subsequent administrative activities affecting such lands, including budget proposals, shall be based on the plan. The Forest Supervisor may change proposed implementation schedules to reflect differences between proposed annual budgets and appropriated funds. Such scheduled changes shall be considered an amendment to the forest plan, but shall not be considered a significant amendment, or require the preparation of an environmental impact statement, unless the changes significantly alter the long-term relationship between levels of multiple-use goods and services projected under planned budget proposals as compared to those projected under actual appropriations.

(f) Amendment. The Forest Supervisor may amend the forest plan. Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan. If the change resulting from the proposed amendment is determined to be significant, the Forest Supervisor shall follow the same procedure as that required for development and approval of a forest plan. If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Forest Supervisor may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures.

(g) Revision. A forest plan shall ordinarily be revised on a 10-year cycle or at least every 15 years. It also may be revised whenever the Forest Supervisor determines that conditions or demands in the area covered by the plan have changed significantly or when changes in RPA policies, goals, or objectives would have a significant effect on forest level programs. In the monitoring and evaluation process, the interdisciplinary team may recommend a revision of the forest plan at any time. Revisions are not effective until considered and approved in accordance with the requirements for the development and approval of a forest plan. The Forest Supervisor shall review the conditions on the land covered by the plan at least every 5 years to determine whether conditions or demands of the public have change significantly.

(h) Planning records. The Forest Supervisor and interdisciplinary team shall develop and maintain planning records that document the decisions and activities that result from the process of developing a forest plan. Records that support analytical conclusions made and alternatives considered by the team and approved by the Forest Supervisor throughout the planning process shall be maintained. Such supporting records provide the basis for the development of the forest plan and associated documents required by NEPA procedures.

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The forest plan shall contain the following:

- (a) A brief summary of the analysis of the management situation, including demand and supply conditions for resource commodities and services, production potentials, and use and development opportunities;
- (b) Forest multiple-use goals and objectives that include a description of the desired future condition of the forest or grassland and an identification of the quantities of goods and services that are expected to be produced or provided during the RPA planning periods;
- (c) Multiple-use prescriptions and associated standards and guidelines for each management area including proposed and probable management practices such as the planned timber sale program; and
- (d) Monitoring and evaluation requirements that will provide a basis for a periodic determination and evaluation of the effects of management practices.

Sec. 219.12 Forest planning--process.

(a) General requirements. The preparation, revision, or significant amendment of a forest plan shall comply with the requirements established in this section. The planning process includes at least those actions set forth in paragraphs (b) through (k) of the section. Some actions may occur simultaneously, and it may be necessary to repeat an action as additional information becomes available. The environmental impact statement for each forest plan shall be prepared according to NEPA procedures. To the extent feasible, a single process shall be used to meet planning and NEPA requirements.

(b) Identification of purpose and need. The interdisciplinary team shall identify and evaluate public issues, management concerns, and resource use and development opportunities, including those identified throughout the planning process during public participation activities and coordination with other Federal agencies, State and local governments, and Indian tribes. The Forest Supervisor shall determine the major public issues, management concerns, and resource use and development opportunities to be addressed in the planning process.

(c) Planning criteria. Criteria shall be prepared to guide the planning process. Criteria apply to collection and use of inventory data and information, analysis of the management situation, and the design, formulation, and evaluation of alternatives. Criteria designed to achieve the objective of maximizing net public benefits shall be included. Specific criteria may be derived from--

(1) Laws, Executive Orders, regulations, and agency policy as set forth in the Forest Service Manual;

(2) Goals and objectives in the RPA Program and regional guides;

(3) Recommendations and assumptions developed from public issues management concerns, and resource use and development opportunities;

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(4) The plans and programs of other Federal agencies, State and local governments, and Indian tribes;

(5) Ecological, technical, and economic factors; and

(6) The resource integration and management requirements in Secs. 219.13 through 219.27.

(d) Inventory data and information collection. Each Forest Supervisor shall obtain and keep current inventory data appropriate for planning and managing the resources under his or her administrative jurisdiction. The Supervisor will assure that the interdisciplinary team has access to the best available data. This may require that special inventories or studies be prepared. The interdisciplinary team shall collect, assemble, and use data, maps, graphic material, and explanatory aids, of a kind, character, and quality, and to the detail appropriate for the management decisions to be made. Data and information needs may vary as planning problems develop from identification of public issues, management concerns, and resource use and development opportunities. Data shall be stored for ready retrieval and comparison and periodically shall be evaluated for accuracy and effectiveness. The interdisciplinary team will use common data definitions and standards established by the Chief of the Forest Service to assure uniformity of information between all planning levels. As information is recorded, it shall be applied in any subsequent planning process. Information developed according to common data definitions and standards shall be used in the preparation of the 1990, and subsequent RPA Assessments and RPA Programs.

(e) Analysis of the management situation. The analysis of the management situation is a determination of the ability of the planning area covered by the forest plan to supply goods and services in response to society's demands. The primary purpose of this analysis is to provide a basis for formulating a broad range of reasonable alternatives. The analysis may examine the capability of the unit to supply outputs both with and without legal and other requirements. As a minimum, the analysis of the management situation shall include the following:

(1) Benchmark analyses to define the range within which alternatives can be constructed. Budgets shall not be a constraint. The following benchmark analyses shall be consistent with the minimum applicable management requirements of Sec. 219.27 and shall define at least--

(i) The minimum level of management which would be needed to maintain and protect the unit as part of the National Forest System together with associated costs and benefits;

(ii) The maximum physical and biological production potentials of significant individual goods and services together with associated costs and benefits;

(iii) Monetary benchmarks which estimate the maximum present net value of those resources having an established market value or an assigned value;

(A) For forest planning areas with major resource outputs that have an established market price, monetary benchmarks shall include an estimate of the mix of resource uses, combined with a schedule of outputs and costs, which will maximize the present net value of those major outputs that have an established market price;

(B) For all forest planning areas, monetary benchmarks shall include an estimate of the mix of resource uses, combined with a schedule of outputs and costs, which will maximize the present

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net value of those major outputs that have an established market price or are assigned a monetary value;

(C) For forest planning areas with a significant timber resource, estimates for paragraphs (e)(1)(iii) (A) and (B) of this section shall be developed both with and without meeting the requirements for compliance with a base sale schedule of timber harvest, as described in Sec. 219.16(a)(1), and with and without scheduling the harvest of even- aged stands generally at or beyond culmination of mean annual increment of growth, as described in Sec. 219.16(a)(2)(iii).

(D) Estimates for paragraphs (e)(1)(iii) (A) and (B) of this section shall be developed both with and without other constraints when needed to address major public issues, management concerns, or resource opportunities identified during the planning process.

(2) The current level of goods and services provided by the unit and the most likely amount of goods and services expected to be provided in the future if current management direction continues; this will be the same analysis as that required by Sec. 219.12(f)(5).

(3) Projections of demand using best available techniques, with both price and nonprice information. To the extent practical, demand will be assessed as price-quantity relationships.

(4) A determination of the potential to resolve public issues and management concerns.

(5) Based on consideration of data and findings developed in paragraphs (e)(1)-(4), a determination of the need to establish or change management direction.

(f) Formulation of alternatives. The interdisciplinary team shall formulate a broad range of reasonable alternatives according to NEPA procedures. The primary goal in formulating alternatives, besides complying with NEPA procedures, is to provide an adequate basis for identifying the alternative that comes nearest to maximizing net public benefits, consistent with the resource integration and management requirements of Secs. 219.13 through 219.27.

(1) Alternatives shall be distributed between the minimum resource potential and the maximum resource potential to reflect to the extent practicable the full range of major commodity and environmental resource uses and values that could be produced from the forest. Alternatives shall reflect a range of resource outputs and expenditure levels.

(2) Alternatives shall be formulated to facilitate analysis of opportunity costs and of resource use and environmental trade-offs among alternatives and between benchmarks and alternatives.

(3) Alternatives shall be formulated to facilitate evaluation of the effects on present net value, benefits, and costs of achieving various outputs and values that are not assigned monetary values, but that are provided at specified levels.

(4) Alternatives shall provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during the planning process.

(5) Reasonable alternatives which may require a change in existing law or policy to implement shall be formulated if necessary to address a major public issue, management concern, or resource opportunity identified during the planning process (40 CFR 1501.7, 1502.14(c)).

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(6) At least one alternative shall be developed which responds to and incorporates the RPA Program tentative resource objectives for each forest displayed in the regional guide.

(7) At least one alternative shall reflect the current level of goods and services provided by the unit and the most likely amount of goods and services expected to be provided in the future if current management direction continues. Pursuant to NEPA procedures, this alternative shall be deemed the "no action" alternative.

(8) Each alternative shall represent to the extent practicable the most cost efficient combination of management prescriptions examined that can meet the objectives established in the alternative.

(9) Each alternative shall state at least--

(i) The condition and uses that will result from long-term application of the alternative;

(ii) The goods and services to be produced, the timing and flow of these resource outputs together with associated costs and benefits;

(iii) Resource management standards and guidelines; and

(iv) The purposes of the management direction proposed.

(g) Estimated effects of alternatives. The physical, biological, economic, and social effects of implementing each alternative considered in detail shall be estimated and compared according to NEPA procedures. These effects include those described in NEPA procedures (40 CFR 1502.14 and 1502.16) and at least the following:

(1) The expected outputs for the planning periods, including appropriate marketable goods and services, as well as nonmarket items, such as recreation and wilderness use, wildlife and fish, protection and enhancement of soil, water, and air, and preservation of aesthetic and cultural resource values;

(2) The relationship of expected outputs to the RPA Program tentative resource objectives for the forest displayed in the current regional guide;

(3) Direct and indirect benefits and costs, analyzed in sufficient detail to estimate--

(i) the expected real-dollar costs (discounted when appropriate), including investment, administrative, and operating costs of the agency and all other public and private costs required to manage the forest up to the point where the outputs are valued and the environmental consequences are realized;

(ii) the expected real-dollar value (discounted when appropriate) of all outputs attributable to each alternative to the extent that monetary values can be assigned to nonmarket goods and services, using quantitative and qualitative criteria when monetary values may not reasonably be assigned;

(iii) the economic effects of alternatives, including impacts on present net value, total receipts to the Federal Government, direct benefits to users that are not measured in receipts to the Federal Government, receipt shares to State and local governments, income, and employment in affected areas; and

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(iv) the monetary opportunity costs (changes in present net value) associated with those management standards and resource outputs in each alternative that were not assigned monetary values but were provided at specified levels, compared with the maximum present net value benchmarks developed in Sec. 219.12(e)(1)(iii).

(4) The significant resource tradeoffs and opportunity costs associated with achieving alternative resource objectives.

(h) Evaluation of alternatives: Using planning criteria, the interdisciplinary team shall evaluate the significant physical, biological, economic, and social effects of each management alternative that is considered in detail. The evaluation shall include a comparative analysis of the aggregate effects of the management alternatives and shall compare present net value, social and economic impacts, outputs of goods and services, and overall protection and enhancement of environmental resources.

(i) Preferred alternative recommendation. The Forest Supervisor shall review the interdisciplinary team's evaluation and shall recommend to the Regional Forester a preferred alternative to be identified in the draft environmental impact statement and displayed as the proposed plan.

(j) Plan approval. The Regional Forester shall review the proposed plan and final environmental impact statement and either approve or disapprove the plan in accordance with Sec. 219.10(c). The record of decision for approval of a plan shall include, in addition to the requirements of NEPA procedures (40 CFR 1505.2), a summarized comparison of the selected alternative with:

(1) Any other alternative considered which is environmentally preferable to the selected alternative; and

(2) Any other alternative considered which comes nearer to maximizing present net value.

(k) Monitoring and evaluation. At intervals established in the plan, implementation shall be evaluated on a sample basis to determine how well objectives have been met and how closely management standards and guidelines have been applied. Based upon this evaluation, the interdisciplinary team shall recommend to the Forest Supervisor such changes in management direction, revisions, or amendments to the forest plan as are deemed necessary. Monitoring requirements identified in the forest plan shall provide for—

(1) A quantitative estimate of performance comparing outputs and services with those projected by the forest plan;

(2) Documentation of the measured prescriptions and effects, including significant changes in productivity of the land; and

(3) Documentation of costs associated with carrying out the planned management prescriptions as compared with costs estimated in the forest plan.

(4) A description of the following monitoring activities:

(i) The actions, effects, or resources to be measured, and the frequency of measurements;

(ii) Expected precision and reliability of the monitoring process; and

(iii) The time when evaluation will be reported.

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- (5) A determination of compliance with the following standards:
- (i) Lands are adequately restocked as specified in the forest plan;
 - (ii) Lands identified as not suited for timber production are examined at least every 10 years to determine if they have become suited; and that, if determined suited, such lands are returned to timber production;
 - (iii) Maximum size limits for harvest areas are evaluated to determine whether such size limits should be continued; and
 - (iv) Destructive insects and disease organisms do not increase to potentially damaging levels following management activities.

Sec. 219.13 Forest planning--resource integration requirements.

The minimum requirements for integrating individual forest resource planning into the forest plan are established in Secs. 219.14 through 219.26 of this subpart. For the purposes of meeting the requirements of Sec. 219.12(c), additional planning criteria may be found in the guidelines for managing specific resources set forth in the Forest Service Manual and Handbooks.

Sec. 219.14 Timber resource land suitability.

During the forest planning process, lands which are not suited for timber production shall be identified in accordance with the criteria in paragraphs (a) through (d) of this section.

(a) During the analysis of the management situation, data on all National Forest System lands within the planning area shall be reviewed, and those lands within any one of the categories described in paragraphs (a) (1) through (4) of this section shall be identified as not suited for timber production--

- (1) The land is not forest land as defined in Sec. 219.3.
- (2) Technology is not available to ensure timber production from the land without irreversible resource damage to soils productivity, or watershed conditions.
- (3) There is not reasonable assurance that such lands can be adequately restocked as provided in Sec. 219.27(c)(3).

(4) The land has been withdrawn from timber production by an Act of Congress, the Secretary of Agriculture or the Chief of the Forest Service.

(b) Forest lands other than those that have been identified as not suited for timber production in paragraph (a) of this section shall be further reviewed and assessed prior to formulation of alternatives to determine the costs and benefits for a range of management intensities for timber production. For the purpose of analysis, the planning area shall be stratified into categories of land with similar management costs and returns. The stratification should consider appropriate factors that influence the costs and returns such as physical and biological conditions of the site and transportation requirements. This analysis shall identify the management intensity for timber

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production for each category of land which results in the largest excess of discounted benefits less discounted costs and shall compare the direct costs of growing and harvesting trees, including capital expenditures required for timber production, to the anticipated receipts to the government, in accordance with Sec. 219.12 and paragraphs (b)(1) through (b)(3) of this section.

(1) Direct benefits are expressed as expected gross receipts to the government. Such receipts shall be based upon expected stumpage prices and payments-in-kind from timber harvest considering future supply and demand situation for timber and upon timber production goals of the regional guide.

(2) Direct costs include the anticipated investments, maintenance, operating, management, and planning costs attributable to timber production activities, including mitigation measures necessitated by the impacts of timber production.

(3) In addition to long-term yield, the financial analysis must consider costs and returns of managing the existing timber inventory.

(c) During formulation and evaluation of each alternative a required in Sec. 219.12 (f) and (g), combinations of resource management prescriptions shall be defined to meet management objectives for the various multiple uses including outdoor recreation, timber, watershed, range, wildlife and fish, and wilderness. The formulation and evaluation of each alternative shall consider the costs and benefits of alternative management intensities for timber production as identified pursuant to paragraph (b) of this section in accordance with Sec. 219.12(f). Lands shall be tentatively identified as not appropriate for timber production to meet objectives of the alternative being considered if—

(1) Based upon a consideration of multiple-use objectives for the alternative, the land is proposed for resource uses that preclude timber production, such as wilderness;

(2) Other management objectives for the alternative limit timber production activities to the point where management requirements set forth in 219.27 cannot be met: or

(3) The lands are not cost-efficient, over the planning horizon, in meeting forest objectives, which include timber production.

(d) Lands identified as not suited for timber production in paragraph (a) of this section and lands tentatively identified as not appropriate for timber production in paragraph (c) of this section shall be designated as not suited for timber production in the preferred alternative. Designation in the plan of lands not suited for timber production shall be reviewed at least every 10 years. Such lands may be reviewed and redesignated as suited for timber production due to changed conditions at any time, according to the criteria in paragraphs (a) and (c) of this section, and according to the procedures for amendment or revision of the forest plan in 219.10 (f) and (g).

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In a forest plan, the selected forest management alternative includes a sale schedule which provides the allowable sale quantity. The sale schedule of each alternative, including those which depart from base sale schedules, shall be formulated in compliance with Sec. 219.12(f) and paragraphs (a) and (b) of this section.

(a) Alternatives shall be formulated that include determinations of the quantity of the timber that may be sold during each decade. These quantity determinations shall be based on the principle of sustained yield and shall meet the management requirements in Sec. 219.27. For each alternative, the determination shall include a calculation of the long-term sustained-yield capacity and the base sale schedule and, when appropriate, a calculation of timber sale alternatives that may depart from the base sale schedule as provided in paragraphs (a)(1) through (a)(3) of this section.

(1) For the base sale schedules, the planned sale for any future decade shall be equal to, or greater than, the planned sale for the preceding decade, provided that the planned sale is not greater than the long-term sustained-yield capacity consistent with the management objectives of the alternative.

(2) The determinations of the appropriate long-term sustained-yield capacities, base sale schedules, and departure alternatives to the base sale schedules shall be made on the basis of the guidelines which follow:

(i) For the long-term sustained-yield capacities and the base sale schedules, assume intensities of management and degree of timber utilization consistent with the goals, assumptions, and requirements contained in, or used in, the preparation of the current RPA Program and regional guide. For the base sale schedule, the management and utilization assumptions shall reflect the projected changes in practices for the four decades contained in, or used in, the preparation of the current RPA Program and regional guide. Beyond the fourth decade, the assumptions shall reflect those projected for the fourth decade of the current RPA Program, unless there is a basis for a different assumption;

(ii) For alternatives with sale schedules which depart from the corresponding base sale schedule, assume an appropriate management intensity;

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(iii) In accordance with the established standards, assure that all even-aged stands scheduled to be harvested during the planning period will generally have reached the culmination of mean annual increment of growth. Mean annual increment shall be based on expected growth, according to management intensities and utilization standards assumed in paragraphs (a)(2) (i) and (ii) of this section and on forest type and site quality. Mean annual increment shall be expressed in cubic measure. Alternatives which incorporate exceptions to these standards shall be evaluated if it is reasonable to expect that overall multiple use objectives would be better attained. Alternatives which incorporate exceptions to these standards are permitted for the use of sound silvicultural practices, such as thinning or other stand improvement measures; for salvage or sanitation harvesting of timber stands which are substantially damaged by fire, wind throw, or other catastrophe, or which are in imminent danger from insect or disease attack; for cutting for experimental and research purposes; or for removing particular species of trees, after consideration has been given to the multiple uses of the area being planned and after completion of the public participation process applicable to the preparation of a forest plan; and

(iv) Each sale schedule shall provide for a forest structure that will enable perpetual timber harvest which meets the principle of sustained-yield and multiple-use objectives of the alternative.

(3) Alternatives with sale schedules which depart from the principles of paragraph (a)(1) of this section and which will lead to better attaining the overall objectives of multiple-use management shall be evaluated when any of the following conditions are indicated:

(i) None of the other alternatives considered provides a sale schedule that achieves the assigned goals of the RPA Program as provided in Sec. 219.4(b);

(ii) High mortality losses from any cause can be significantly reduced or prevented or forest age-class distribution can be improved, thereby facilitating future sustained-yield management; or

(iii) Implementation of the corresponding base sale schedule would cause a substantial adverse impact upon a community in the economic area in which the forest is located.

(iv) It is reasonable to expect that overall multiple-use objectives would otherwise be better attained.

(b) The sale schedule of the management alternative selected in accordance with Sec. 219.12 provides the allowable sale quantity for the first plan period.

Sec. 219.17 Evaluation of roadless areas.

(a) Unless otherwise provided by law, roadless areas within the National Forest System shall be evaluated and considered for recommendation as potential wilderness areas during the forest planning process, as provided in paragraphs (a) (1) and (2) of this section.

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(1) During analysis of the management situation, the following areas shall be subject to evaluation:

(i) Roadless areas including those previously inventoried in the second roadless area review and evaluation (RARE II), in a unit plan, or in a forest plan, which remain essentially roadless and undeveloped, and which have not yet been designated as wilderness or for non-wilderness uses by law. In addition, other essentially roadless areas may be subject to evaluation at the discretion of the Forest Supervisor.

(ii) Areas contiguous to existing wilderness, primitive areas, or administratively proposed wildernesses, regardless of which agency has jurisdiction for the wilderness or proposed wilderness;

(iii) Areas that are contiguous to roadless and undeveloped areas in other Federal ownership that have identified wilderness potential; and

(iv) Areas designated by Congress for wilderness study, administrative proposals pending before Congress, and other legislative proposals pending which have been endorsed by the President.

(2) For each area subject to evaluation under paragraph (a)(1) of this section, the determination of the significant resource issues, which in turn affect the detail and scope of evaluation required by the Forest Service, shall be developed with public participation. As a minimum, the evaluation shall include consideration of:

(i) The values of the area as wilderness;

(ii) The values foregone and effects on management of adjacent lands as a consequence of wilderness designation;

(iii) Feasibility of management as wilderness, in respect to size, nonconforming use, land ownership patterns, and existing contractual agreements or statutory rights;

(iv) Proximity to other designated wilderness and relative contribution to the National Wilderness Preservation System; and

(v) The anticipated long-term changes in plant and animal species diversity, including the diversity of natural plant and animal communities of the forest planning area and the effects of such changes on the values for which wilderness areas were created.

[47 FR 43037, Sept. 30, 1982, as amended at 48 FR 40383, Sept. 7, 1983]

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Forest planning shall provide direction for the management of designated wilderness and primitive areas in accordance with the provisions of 36 CFR part 293. In particular, plans shall--

(a) Provide for limiting and distributing visitor use of specific areas in accord with periodic estimates of the maximum levels of use that allow natural processes to operate freely and that do not impair the values for which wilderness areas were created; and

(b) Evaluate the extent to which wildfire, insect, and disease control measures may be desirable for protection of either the wilderness or adjacent areas and provide for such measures when appropriate.

Sec. 219.19 Fish and wildlife resource.

Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.

(a) Each alternative shall establish objectives for the maintenance and improvement of habitat for management indicator species selected under paragraph (g)(1) of this section, to the degree consistent with overall multiple use objectives of the alternative. To meet this goal, management planning for the fish and wildlife resource shall meet the requirements set forth in paragraphs (a)(1) through (a)(7) of this section.

(1) In order to estimate the effects of each alternative on fish and wildlife populations, certain vertebrate and/or invertebrate species present in the area shall be identified and selected as management indicator species and the reasons for their selection will be stated. These species shall be selected because their population changes are believed to indicate the effects of management activities. In the selection of management indicator species, the following categories shall be represented where appropriate: Endangered and threatened plant and animal species identified on State and Federal lists for the planning area; species with special habitat needs that may be influenced significantly by planned management programs; species commonly hunted, fished, or trapped; non-game species of special interest; and additional plant or animal species selected because their population changes are believed to indicate the effects of management activities on other species of selected major biological communities or on water quality. On the basis of available scientific information, the interdisciplinary team shall estimate the effects of changes in vegetation type, timber age classes, community composition, rotation age, and year-long suitability of habitat related to mobility of management indicator species. Where appropriate, measures to mitigate adverse effects shall be prescribed.

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(2) Planning alternatives shall be stated and evaluated in terms of both amount and quality of habitat and of animal population trends of the management indicator species.

(3) Biologists from State fish and wildlife agencies and other Federal agencies shall be consulted in order to coordinate planning for fish and wildlife, including opportunities for the reintroduction of extirpated species.

(4) Access and dispersal problems of hunting, fishing, and other visitor uses shall be considered.

(5) The effects of pest and fire management on fish and wildlife populations shall be considered.

(6) Population trends of the management indicator species will be monitored and relationships to habitat changes determined. This monitoring will be done in cooperation with State fish and wildlife agencies, to the extent practicable.

(7) Habitat determined to be critical for threatened and endangered species shall be identified, and measures shall be prescribed to prevent the destruction or adverse modification of such habitat. Objectives shall be determined for threatened and endangered species that shall provide for, where possible, their removal from listing as threatened and endangered species through appropriate conservation measures, including the designation of special areas to meet the protection and management needs of such species.

Sec. 219.20 Grazing resource.

In forest planning, the suitability and potential capability of National Forest System lands for producing forage for grazing animals and for providing habitat for management indicator species shall be determined as provided in paragraphs (a) and (b) of this section. Lands so identified shall be managed in accordance with direction established in forest plans.

(a) Lands suitable for grazing and browsing shall be identified and their condition and trend shall be determined. The present and potential supply of forage for livestock, wild and free-roaming horses and burros, and the capability of these lands to produce suitable food and cover for selected wildlife species shall be estimated. The use of forage by grazing and browsing animals will be estimated. Lands in less than satisfactory condition shall be identified and appropriate action planned for their restoration.

(b) Alternative range management prescriptions shall consider grazing systems and the facilities necessary to implement them; land treatment and vegetation manipulation practices; and evaluation of pest problems; possible conflict or beneficial interactions among livestock, wild free-roaming horses and burros and wild animal populations, and methods of regulating these; direction for rehabilitation of ranges in unsatisfactory condition; and comparative cost efficiency of the prescriptions.

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To the degree consistent with needs and demands for all major resources, a broad spectrum of forest and rangeland related outdoor recreation opportunities shall be provided for in each alternative. Planning activities to achieve this shall be in accordance with national and regional direction and procedural requirements of paragraphs (a) through (g) of this section.

(a) Forest planning shall identify--

(1) The physical and biological characteristics that make land suitable for recreation opportunities;

(2) The recreational preferences of user groups and the settings needed to provide quality recreation opportunities; and

(3) Recreation opportunities on the National Forest System lands.

(b) The supply of developed recreational facilities in the area of National Forest influence shall be appraised for adequacy to meet present and future demands.

(c) Planning alternatives shall include consideration of establishment of physical facilities, regulation of use, and recreation opportunities responsive to current and anticipated user demands.

(d) In formulation and analysis of alternatives as specified in Sec. 219.12 (f) and (g), interactions among recreation opportunities and other multiple uses shall be examined. This examination shall consider the impacts of the proposed recreation activities on other uses and values and the impacts of other uses and activities associated with them on recreation opportunities, activities, and quality of experience.

(e) Formulation and evaluation of alternatives under paragraphs (c) and (d) of this section shall be coordinated to the extent feasible with present and proposed recreation activities of local and State land use or outdoor recreation plans, particularly the State Comprehensive Outdoor Recreation Plan, and recreation opportunities already present and available on other public and private lands, with the aim of reducing duplication in meeting recreation demands.

(f) The visual resource shall be inventoried and evaluated as an integrated part of evaluating alternatives in the forest planning process, addressing both the landscape's visual attractiveness and the public's visual expectation. Management prescriptions for definitive land areas of the forest shall include visual quality objectives.

(g) Off-road vehicle use shall be planned and implemented to protect land and other resources, promote public safety, and minimize conflicts with other uses of the National Forest System lands. Forest planning shall evaluate the potential effects of vehicle use off roads and, on the basis of the requirements of 36 CFR part 295 of this chapter, classify areas and trails of National Forest System lands as to whether or not off-road vehicle use may be permitted.

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Mineral exploration and development in the planning area shall be considered in the management of renewable resources. The following shall be recognized to the extent practicable in forest planning:

- (a) Active mines within the area of land covered by the forest plan;
- (b) Outstanding or reserved mineral rights;
- (c) The probable occurrence of various minerals, including locatable, leasable, and common variety;
- (d) The potential for future mineral development and potential need for withdrawal of areas from development;
- (e) Access requirements for mineral exploration and development; and
- (f) The probable effect of renewable resource prescriptions and management direction on mineral resources and activities, including exploration and development.

Sec. 219.23 Water and soil resource.

Forest planning shall provide for--

- (a) General estimates of current water uses, both consumptive and non-consumptive, including instream flow requirements within the area of land covered by the forest plan;
- (b) Identification of significant existing impoundments, transmission facilities, wells, and other man-made developments on the area of land covered by the forest plan;
- (c) Estimation of the probable occurrence of various levels of water volumes, including extreme events which would have a major impact on the planning area;
- (d) Compliance with requirements of the Clean Water Act, the Safe Drinking Water Act, and all substantive and procedural requirements of Federal, State, and local governmental bodies with respect to the provision of public water systems and the disposal of waste water;
- (e) Evaluation of existing or potential watershed conditions that will influence soil productivity, water yield, water pollution, or hazardous events; and
- (f) Adoption of measures, as directed in applicable Executive orders, to minimize risk of flood loss, to restore and preserve floodplain values, and to protect wetlands.

Sec. 219.24 Cultural and historic resources.

Forest planning shall provide for the identification, protection, interpretation, and management of significant cultural resources on National Forest System lands. Planning of the resource shall be governed by the requirements of Federal laws pertaining to historic preservation, and guided by paragraphs (a)(1) through (a)(3) of this section.

- (a) Forest planning shall--

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- (1) Provide an overview of known data relevant to history, ethnography, and prehistory of the area under consideration, including known cultural resource sites;
 - (2) Identify areas requiring more intensive inventory;
 - (3) Provide for evaluation and identification of appropriate sites for the National Register of Historic Places;
 - (4) Provide for establishing measures for the protection of significant cultural resources from vandalism and other human depredation, and natural destruction;
 - (5) Identify the need for maintenance of historic sites on, or eligible for inclusion in, the National Register of Historic Places; and
 - (6) Identify opportunities for interpretation of cultural resources for the education and enjoyment of the American public.
- (b) In the formulation and analysis of alternatives, interactions among cultural resources and other multiple uses shall be examined. This examination shall consider impacts of the management of cultural resources on other uses and activities and impacts of other uses and activities on cultural resource management.
- (c) Formulation and evaluation of alternatives shall be coordinated to the extent feasible with the State cultural resource plan and planning activities of the State Historic Preservation Office and State Archaeologist and with other State and Federal agencies.

Sec. 219.25 Research natural areas.

Forest planning shall provide for the establishment of Research Natural Areas (RNA's). Planning shall make provision for the identification of examples of important forest, shrubland, grassland, alpine, aquatic, and geologic types that have special or unique characteristics of scientific interest and importance and that are needed to complete the national network of RNA's. Biotic, aquatic, and geologic types needed for the network shall be identified using a list provided by the Chief of the Forest Service. Authority to establish RNA's is delegated to the Chief at 7 CFR 2.60(a) and 36 CFR 251.23. Recommendations for establishment of areas shall be made to the Chief through the planning process.

Sec. 219.26 Diversity.

Forest planning shall provide for diversity of plant and animal communities and tree species consistent with the overall multiple-use objectives of the planning area. Such diversity shall be considered throughout the planning process. Inventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present condition. For each planning alternative, the interdisciplinary team shall consider how diversity will be affected by various mixes of resource outputs and uses, including proposed management practices. (Refer to Sec. 219.27(g).)

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The minimum specific management requirements to be met in accomplishing goals and objectives for the National Forest System are set forth in this section. These requirements guide the development, analysis, approval, implementation, monitoring and evaluation of forest plans.

(a) Resource protection. All management prescriptions shall—

(1) Conserve soil and water resources and not allow significant or permanent impairment of the productivity of the land;

(2) Consistent with the relative resource values involved, minimize serious or long-lasting hazards from flood, wind, wildfire, erosion, or other natural physical forces unless these are specifically excepted, as in wilderness;

(3) Consistent with the relative resource values involved, prevent or reduce serious, long lasting hazards and damage from pest organisms, utilizing principles of integrated pest management. Under this approach all aspects of a pest-host system should be weighed to determine situation-specific prescriptions which may utilize a combination of techniques including, as appropriate, natural controls, harvesting, use of resistant species, maintenance of diversity, removal of damaged trees, and judicious use of pesticides. The basic principle in the choice of strategy is that, in the long term, it be ecologically acceptable and compatible with the forest ecosystem and the multiple use objectives of the plan;

(4) Protect streams, streambanks, shorelines, lakes, wetlands, and other bodies of water as provided under paragraphs (d) and (e) of this section;

(5) Provide for and maintain diversity of plant and animal communities to meet overall multiple-use objectives, as provided in paragraph (g) of this section;

(6) Provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species and provide that habitat for species chosen under Sec. 219.19 is maintained and improved to the degree consistent with multiple-use objectives established in the plan;

(7) Be assessed prior to project implementation for potential physical, biological, aesthetic, cultural, engineering, and economic impacts and for consistency with multiple uses planned for the general area;

(8) Include measures for preventing the destruction or adverse modification of critical habitat for threatened and endangered species;

(9) Provide that existing significant transportation and utility corridors and other significant right-of-ways that are capable and likely to be needed to accommodate the facility or use from an additional compatible right-of-way be designated as a right-of-way corridor. Subsequent right-of-way grants will, to the extent practicable, and as determined by the responsible line officer, use designated corridors;

(10) Ensure that any roads constructed through contracts, permits, or leases are designed according to standards appropriate to the planned uses, considering safety, cost of transportation, and effects upon lands and resources;

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(11) Provide that all roads are planned and designed to re-establish vegetative cover on the disturbed area within a reasonable period of time, not to exceed 10 years after the termination of a contract, lease or permit, unless the road is determined necessary as a permanent addition to the National Forest Transportation System; and

(12) Be consistent with maintaining air quality at a level that is adequate for the protection and use of National Forest System resources and that meets or exceeds applicable Federal, State and/or local standards or regulations.

(b) Vegetative manipulation. Management prescriptions that involve vegetative manipulation of tree cover for any purpose shall—

(1) Be best suited to the multiple-use goals established for the area with potential environmental, biological, cultural resource, aesthetic, engineering, and economic impacts, as stated in the regional guides and forest plans, being considered in this determination;

(2) Assure that lands can be adequately restocked as provided in paragraph (c)(3) of this section, except where permanent openings are created for wildlife habitat improvement, vistas, recreation uses and similar practices;

(3) Not be chosen primarily because they will give the greatest dollar return or the greatest output of timber, although these factors shall be considered;

(4) Be chosen after considering potential effects on residual trees and adjacent stands;

(5) Avoid permanent impairment of site productivity and ensure conservation of soil and water resources;

(6) Provide the desired effects on water quantity and quality, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation uses, aesthetic values, and other resource yields; and

(7) Be practical in terms of transportation and harvesting requirements, and total costs of preparation, logging, and administration.

(c) Silvicultural practices. The following management requirements apply to timber harvest and cultural treatments:

(1) No timber harvesting shall occur on lands classified as not suited for timber production pursuant to Sec. 219.14 except for salvage sales, sales necessary to protect other multiple-use values or activities that meet other objectives on such lands if the forest plan establishes that such actions are appropriate. These lands shall continue to be treated for reforestation purposes if necessary to achieve the multiple-use objectives of the plan.

(2) The selected sale schedule provides the allowable sale quantity for the first planning period. Within the planning period, the volume of timber to be sold in any one year may exceed the average annual allowable sale quantity so long as the total amount sold for the planning period does not exceed the allowable sale quantity. Nothing in this paragraph prohibits salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger of insect or disease attack and where such harvests are consistent with silvicultural and environmental standards. Such timber may either

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substitute for timber that would otherwise be sold under the plan or, if not feasible, be sold over and above the planned volume.

(3) When trees are cut to achieve timber production objectives, the cuttings shall be made in such a way as to assure that the technology and knowledge exists to adequately restock the lands within 5 years after final harvest. Research and experience shall be the basis for determining whether the harvest and regeneration practices planned can be expected to result in adequate restocking. Adequate restocking means that the cut area will contain the minimum number, size, distribution, and species composition of regeneration as specified in regional silvicultural guides for each forest type. Five years after final harvest means 5 years after clearcutting, 5 years after final overstory removal in shelterwood cutting, 5 years after the seed tree removal cut in seed tree cutting, or 5 years after selection cutting.

(4) Cultural treatments such as thinning, weeding, and other partial cutting may be included in the forest plan where they are intended to increase the rate of growth of remaining trees, favor commercially valuable tree species, favor species or age classes which are most valuable for wildlife, or achieve other multiple-use objectives.

(5) Harvest levels based on intensified management practices shall be decreased no later than the end of each planning period if such practices cannot be completed substantially as planned.

(6) Timber harvest cuts designed to regenerate an even-aged stand of timber shall be carried out in a manner consistent with the protection of soil, watershed, fish and wildlife, recreation, and aesthetic resources, and the regeneration of the timber resource.

(7) Timber harvest and other silvicultural treatments shall be used to prevent potentially damaging population increases of forest pest organisms. Silvicultural treatments shall not be applied where such treatments would make stands susceptible to pest-caused damage levels inconsistent with management objectives.

(d) Even-aged management. When openings are created in the forest by the application of even-aged silviculture, the following management requirements apply:

(1) Openings shall be located to achieve the desired combination of multiple-use objectives. The blocks or strips cut shall be shaped and blended with the natural terrain, to the extent practicable, to achieve aesthetic, wildlife habitat, or other objectives established in the plan. Regional guides shall provide guidance on dispersion of openings in relation to topography, climate, geography, local land use patterns, forest types or other factors. As a minimum, openings in forest stands are no longer considered openings once a new forest is established. Forest plans may set forth variations to this minimum based on site-specific requirements for achieving multiple-use objectives. Regional guides shall provide guidance for determining variations to this minimum in the forest plan, based on requirements for watershed, wildlife habitat, scenery or other resource protection needs, or other factors.

(2) Individual cut blocks, patches, or strips shall conform to the maximum size limits for areas to be cut in one harvest operation established by the regional guide according to geographic areas and forest types. This limit may be less than, but will not exceed, 60 acres for the Douglas-fir forest type of California, Oregon, and Washington; 80 acres for the southern yellow pine types of

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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 paragraphs (d)(2)(i) through (iii) of this section:

(i) Cut openings larger than those specified may be permitted where larger units will produce a more desirable combination of net public benefits. Such exceptions shall be provided for in regional guides. The following factors shall be considered in evaluating harvest cuts of various sizes and shapes to determine size limits by geographic areas and forest types: Topography; relationship of units to other natural or artificial openings and proximity of units; coordination and consistency with adjacent forests and regions; effect on water quality and quantity; visual absorption capability; effect on wildlife and fish habitat; regeneration requirements for desirable tree species based upon the latest research findings; transportation and harvesting system requirements; environmental and forest pest hazards to regeneration, residual trees, and surrounding stands; and the relative total costs of preparation and administration, transportation requirements, harvesting, site preparation, planting, stocking control, and future stand tending of harvest cuts of various sizes and shapes. Specification for exceptions shall include the particular conditions under which the larger size is permitted and shall set a new maximum size permitted under those conditions.

(ii) Size limits exceeding those established in paragraphs (d)(2) and (d)(2)(i) of this section are permitted on an individual timber sale basis after 60 days' public notice and review by the Regional Forester.

(iii) The established limit shall not apply to the size of areas harvested as a result of natural catastrophic condition such as fire, insect and disease attack, or windstorm.

(e) Riparian areas. Special attention shall be given to land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water. This area shall correspond to at least the recognizable area dominated by the riparian vegetation. No management practices causing detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits of sediment shall be permitted within these areas which seriously and adversely affect water conditions or fish habitat. Topography, vegetation type, soil, climatic conditions, management objectives, and other factors shall be considered in determining what management practices may be performed within these areas or the constraints to be placed upon their performance.

(f) Soil and water. Conservation of soil and water resources involves the analysis, protection, enhancement, treatment, and evaluation of soil and water resources and their responses under management and shall be guided by instructions in official technical handbooks. These handbooks must show specific ways to avoid or mitigate damage, and maintain or enhance productivity on specific sites. These handbooks may be regional in scope or, where feasible, specific to physiographic or climatic provinces.

(g) Diversity. Management prescriptions, where appropriate and to the extent practicable, shall preserve and enhance the diversity of plant and animal communities, including endemic and

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desirable naturalized plant and animal species, so that it is at least as great as that which would be expected in a natural forest and the diversity of tree species similar to that existing in the planning area. Reductions in diversity of plant and animal communities and tree species from that which would be expected in a natural forest, or from that similar to the existing diversity in the planning area, may be prescribed only where needed to meet overall multiple-use objectives. Planned type conversion shall be justified by an analysis showing biological, economic, social, and environmental design consequences, and the relation of such conversions to the process of natural change.

Sec. 219.28 Research.

(a) Research needs for management of the National Forest System shall be identified during planning and periodically reviewed during evaluation of implemented plans. Particular attention should be given to research needs identified during the monitoring and evaluation described in Sec. 219.12(k). These identified needs shall be included in formulating overall research programs and plans which involve private as well as public forest and rangelands.

(b) Research needed to support or improve management of the National Forest System shall be established and budgeted at the research station and national levels. Priorities for this portion of the Forest Service Research Program shall be based upon the information gathered at all planning levels of the National Forest System.

(c) An annual report shall be prepared at the national level with assistance from Regions and Stations which shall include, but not be limited to, a description of the status of major research programs which address National Forest System needs for Research, significant findings, and how this information is to be or has recently been applied.

Sec. 219.29 Transition period.

(a) Until a forest planning area of the National Forest System is managed under a forest plan developed pursuant to this subpart and approved by the Regional Forester, the land may continue to be managed under existing land use and resource plans. As soon as practicable, existing plans shall be amended or revised to incorporate standards and guidelines in this subpart. Pending approval of a forest plan, existing plans may be amended or revised to include management requirements not inconsistent with the provisions of the RPA and these regulations.

(b) Requirements of amendments to this subpart shall be incorporated in forest plans and regional guides through the ongoing planning process. Planning process steps already completed need not be repeated.

(1) If, prior to the effective date of an amendment to this subpart, a forest plan either has been approved in final form or released in draft form for public review, the plan need not be modified

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to incorporate requirements of such amendment, until the next scheduled revision of the forest plan;

(2) If, prior to the effective date of an amendment to this subpart, a regional guide either has been approved in final form or released in draft form for public review, the guide need not be modified to incorporate the requirements of such amendment, until a significant amendment to the guide is made for reasons other than incorporating requirements of amendments to this subpart.

(c) A forest plan may become effective prior to the development and approval of its related regional guide, provided that the forest plan is reviewed upon regional guide approval, and if necessary, amended to comply with regional management direction. If such an amendment is significant, it shall be accomplished pursuant to the requirements for the development of a forest plan as set forth in this subpart.

(d) As a result of the eruption of Mount St. Helens, a land management plan for the Mount St. Helens area shall be prepared substantially in accordance with the following procedures:

(1) Notwithstanding any other provisions in this subpart, the area included in the Mount St. Helens land management plan will not be subject to planning activities for the first generation Gifford Pinchot National Forest Plan unless the Regional Forester for the Pacific Northwest Region determines that additional planning activities are desirable.

(2) Lands which were inventoried as roadless and designated for non-wilderness uses in the Roadless Area Review and Evaluation (RARE II) shall be managed for uses other than wilderness. Except for a small part of the Mount Margaret roadless area (B 6071), the Mount St. Helens land management plan shall not consider wilderness designation for these lands.

(3) Lands which were inventoried as roadless and designated as further planning in the Roadless Area Review and Evaluation (RARE II) shall be evaluated in the Mount St. Helens land management plan and shall be managed in accordance with that plan.

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91.2 - Wilderness

Exhibit 01 displays selected text of the Wilderness Act of 1964.

Exhibit 02 displays selected text of the Eastern Wilderness Act.

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September 3, 1964 (Pub. L. 88-577, 78 Stat. 890; 16 U.S.C. 1131 note, 1131, 1132, 1132 note, 1133 to 1136)

Short title

Sec. 1 “This Act may be cited as the ‘Wilderness Act’. (16 U.S.C. 1131 note)

National Wilderness Preservation System

Sec. 2 (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as “wilderness areas”, and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as “wilderness areas” except as provided for in this chapter or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational scenic, or historical value. (16 U.S.C. 1131)

Extent of System

Sec. 3 (a) All areas within the national forests classified at least 30 days before September 3, 1964 by the Secretary of Agriculture or the Chief of the Forest Service as “wilderness”, “wild”, or “canoe” are hereby designated as wilderness areas. The Secretary of Agriculture shall --

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(1) Within one year after September 3, 1964, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this chapter: Provided, however, That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

(b) The Secretary of Agriculture shall, within ten years after September 3, 1964, review, as to its suitability or unsuitability for preservation as wilderness, each area in the national forests classified on September 3, 1964 by the Secretary of Agriculture or the Chief of the Forest Service as “primitive” and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as “wilderness” or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as “primitive” within three years after September 3, 1964, not less than two-thirds within seven years after September 3, 1964, and the remaining areas within ten years after September 3, 1964. Each recommendation of the President for designation as “wilderness” shall become effective only if so provided by an Act of Congress. Areas classified as “primitive” on September 3, 1964 shall continue to be administered under the rules and regulations affecting such areas on September 3, 1964 until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this chapter, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

(c) Within ten years after September 3, 1964 the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within the national wildlife refuges and game ranges, under his jurisdiction on September 3, 1964 and shall report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or

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island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after September 3, 1964, not less than two-thirds within seven years of September 3, 1964 and the remainder within ten years of September 3, 1964. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

(d)(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness --

- (A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;
- (B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: Provided, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;
- (C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Modification or adjustment of boundaries; public notice and hearings; administrative and executive recommendations to Congress; approval of Congress Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section. *** (16 U.S.C. 1132)

Use of wilderness areas

Sec. 4 (a) The purposes of this chapter are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and --

(1) Nothing in this chapter shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215) (16 U.S.C. 528-531).

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(2) Nothing in this chapter shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Public Law 607, Eighty-Fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this chapter shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this chapter shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with sections 1, 2, 3, and 4 of this title, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this chapter, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this chapter, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(c) Except as specifically provided for in this chapter, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this chapter and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this chapter the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this chapter shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the United States Geological Survey and the United States Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

(3) Notwithstanding any other provisions of this chapter, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to September 3, 1964, extend to those national forest lands designated by this chapter as “wilderness areas”; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use

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of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this chapter as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this chapter: Provided, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this chapter shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after September 3, 1964, within the boundaries of wilderness areas designated by this chapter shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this chapter shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this chapter as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(4) Within wilderness areas in the national forests designated by this chapter, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to September 3, 1964, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Commercial services may be performed within the wilderness areas designated by this chapter to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

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(6) Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(7) Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests. (16 U.S.C. 1133)

State and private lands within wilderness areas

Sec. 5 (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this chapter as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: Provided, however, That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this chapter as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress. (16 U.S.C. 1134)

Gifts, bequests, and contributions

Sec. 6 (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this chapter for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this chapter for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall be come part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this chapter, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this chapter. (16 U.S.C. 1135)

Annual reports to Congress

Sec. 7 At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make. (16 U.S.C. 1136)

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- Act of January 3, 1975 (P.L. 93-622, 88 Stat. 2096; 16 U.S.C. 1132(note))

Findings and Declaration of Policy

Sec. 2. (a) The Congress finds that--

(1) in the more populous eastern half of the United States there is an urgent need to identify, study, designate, and preserve areas for addition to the National Wilderness Preservation System; (2) in recognition of this urgent need, certain areas of the National Forest System in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act (78 Stat. 890); certain areas in the National Wildlife Refuge system in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation, and certain areas of the National Park System in the eastern half of the United States have been recommended by the President for designation as wilderness; and (3) additional areas of wilderness in the more populous eastern half of the United States are increasingly threatened by the pressure of a growing and more mobile population, large-scale industrial and economic growth, and development and uses inconsistent with the protection, maintenance, and enhancement of the areas' wilderness character.

(b) Therefore, the Congress finds and declares that it is in the national interest that these and similar areas in the eastern half of the United States be promptly designated as wilderness with the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation for the benefit of all the American people of present and future generations. (16 U.S.C. 1132(note))

Designation of Wilderness Areas

Sec. 3. (a) In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter in this Act referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1974, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System---

- (1) certain lands in the Bankhead National Forest, Alabama, which comprise about twelve thousand acres, are generally depicted on a map entitled "Sipsey Wilderness Area--Proposed", and shall be known as the Sipsey Wilderness;
- (2) certain lands in the Ouachita National Forest, Arkansas, which comprise about fourteen thousand four hundred and thirty-three acres, are generally depicted on a map entitled "Caney Creek Wilderness Area--Proposed", and shall be known as the Caney Creek Wilderness;
- (3) certain lands in the Ozark National Forest, Arkansas, which comprise about ten thousand five hundred and ninety acres, are generally depicted on a map entitled "Upper Buffalo Wilderness Area--Proposed", and shall be known as the Upper Buffalo Wilderness;

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- (4) certain lands in the Appalachian National Forest, Florida, which comprise about twenty-two thousand acres, are generally depicted on a map entitled "Bradwell Bay Wilderness Area--Proposed", and shall be known as the Bradwell Bay Wilderness;
- (5) certain lands in the Daniel Boone National Forest, Kentucky, which comprise about five thousand five hundred acres, are generally depicted on a map entitled "Beaver Creek Wilderness Area--Proposed", and shall be known as the Beaver Creek Wilderness;
- (6) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty thousand three hundred and eighty acres, are generally depicted on a map entitled "Presidential Range-Dry River Wilderness Area--Proposed", and shall be known as the Presidential Range-Dry River Wilderness;
- (7) certain lands in the Nantahala and Cherokee National Forest, North Carolina and Tennessee, which comprise about fifteen thousand acres, are generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Area--Proposed", and shall be known as the Joyce Kilmer-Slickrock Wilderness;
- (8) certain lands in the Sumter, Nantahala, and Chattahoochee National Forests, South Carolina, North Carolina, and Georgia, which comprise about three thousand six hundred acres, are generally depicted on a map entitled "Ellicott Rock Wilderness Area--Proposed", and shall be known as the Ellicott Rock Wilderness;
- (9) certain lands in the Cherokee National Forest, Tennessee, which comprise about two thousand five hundred and seventy acres, are generally depicted on a map entitled "Gee Creek Wilderness Area--Proposed", and shall be known as the Gee Creek Wilderness;
- (10) certain lands in the Green Mountain National Forest, Vermont, which comprise about six thousand five hundred acres, are generally depicted on a map entitled "Bristol Cliffs Wilderness Area--Proposed", and shall be known as the Bristol Cliffs Wilderness;
- (11) certain lands in the Green Mountain National Forest, Vermont, which comprise about fourteen thousand three hundred acres, are generally depicted on a map entitled "Lye Brook Wilderness Area--Proposed", and shall be known as the Lye Brook Wilderness;
- (12) certain lands in the Jefferson National Forest, Virginia, which comprise about eight thousand eight hundred acres, are generally depicted on a map entitled "James River Face Wilderness Area--Proposed", and shall be known as the James River Face Wilderness;
- (13) certain lands in the Monongahela National Forest, West Virginia, which comprise about ten thousand two hundred and fifteen acres, are generally depicted on a map entitled "Dolly Sods Wilderness Area--Proposed", and shall be known as the Dolly Sods Wilderness;
- (14) certain lands in the Monongahela National Forest, West Virginia, which comprise about twenty thousand acres, are generally depicted on a map entitled "Otter Creek Wilderness Area--Proposed", and shall be known as the Otter Creek Wilderness;
- (15) certain lands in the Chequamegon National Forest, Wisconsin, which comprise about six thousand six hundred acres, are generally depicted on a map entitled "Rainbow Lake Wilderness

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(b) In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1973, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands in the Chattahoochee and Cherokee National Forests, Georgia and Tennessee, which comprise about thirty-four thousand five hundred acres, are generally depicted on a map dated April 1973, entitles "Cohutta Wilderness Area--Proposed" and shall be known as the Cohutta Wilderness. (16 U.S.C. 1132(note))

Designation of Wilderness Study Areas

Sec. 4. (a) In furtherance of the purposes of the Wilderness Act and in accordance with the provisions of subsection 3(d) of that Act, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall review, as to its suitability or nonsuitability for preservation as wilderness, each area designated by or pursuant to subsection (b) of this section and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation of wilderness of each such area on which the review had been completed.

(b) Areas to be reviewed pursuant to this section (hereinafter referred to as "wilderness areas"), as generally depicted on maps appropriately referenced, dated April 1974, include---

(1) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand seven hundred acres and are generally depicted on a map entitled "Belle Starr Cave Wilderness Study Area"; (2) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand five hundred acres and are generally depicted on a map entitled "Dry Creek Wilderness Study Area";

(3) certain lands in the Ozark National Forest, Arkansas, which comprise approximately two thousand one hundred acres and are generally depicted on a map entitled "Richland Creek Wilderness Study Area";

(4) certain lands in the Appalachicola National Forest, Florida, which comprise approximately one thousand one hundred acres and are generally depicted as the "Sopchoppy River Wilderness Study Area" on a map entitled "Bradwell Bay Wilderness Area--Proposed";

(5) certain lands in the Hiawatha National Forest, Michigan, which comprise approximately five thousand four hundred acres and are generally depicted on a map entitled "Rock River Canyon Wilderness Study Area";

(6) certain lands in the Ottawa National Forest, Michigan, which comprise approximately thirteen thousand two hundred acres and are generally depicted on a map entitled "Sturgeon River Wilderness Study Area";

(7) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately one thousand one hundred acres and are generally depicted on a map entitled "Craggy Mountain Wilderness Study Area";

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(8) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand five hundred acres and are generally depicted on a map entitled "Wambaw Swamp Wilderness Study Area";

(9) certain lands in the Jefferson National Forest, Virginia, which comprise approximately four thousand acres and are generally depicted on a map entitled "Mill Creek Wilderness Study Area";

(10) certain lands in the Jefferson National Forest, Virginia, which comprise approximately eight thousand four hundred acres and are generally depicted on a map entitled "Mountain Lake Wilderness Study Area";

(11) certain lands in the Jefferson National Forest, Virginia, which comprise approximately five thousand acres and are generally depicted on a map entitled "Peters Mountain Wilderness Study Area";

(12) certain lands in the George Washington National Forest, Virginia, which comprise approximately six thousand seven hundred acres and are generally depicted on a map entitled "Ramsey's Draft Wilderness Study Area";

(13) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately six thousand three hundred acres and are generally depicted on a map entitled "Flynn Lake Wilderness Study Area";

(14) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately four thousand two hundred acres and are generally depicted on a map entitled "Round Lake Wilderness Study Area";

(15) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-six thousand three hundred acres and are generally depicted on a map entitled "Cranberry Wilderness Study Area";

(16) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately four thousand five hundred acres and are generally depicted on a map entitled "Big Frog Wilderness Study Area";

(17) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately fourteen thousand acres and are generally depicted as the "Citico Creek Area" on a map entitled "Joyce Kilmer-Slickrock Wilderness Area--Proposed";

(c) Reviews shall be completed and the President shall make his recommendations to Congress with five years after enactment of this Act.

(d) Congress may, upon the recommendations of the Secretary of Agriculture or otherwise, designate as study areas, National Forest System lands east of the 100th meridian other than those specified in subsection (b) of this section, for review as to suitability or unsuitability for preservation as wilderness. Any such area subsequently designated as a wilderness study area after the enactment of this Act shall have its suitability or unsuitability for preservation as wilderness submitted to Congress within ten years from the date of designation as a wilderness study area. Nothing in this Act shall be construed as limiting the authority of the Secretary of Agriculture to carry out management programs, development, and activities in accordance with the Multiple-Use,

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Sustained-Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-531) within areas not designated for review in accordance with the provisions of this Act.

(e) Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominantly of wilderness value. Any recommendation of the President of the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress. (16 U.S.C. 1132; 1132(note))

Filing of Maps and Descriptions

Sec. 5. As soon as is practicable after enactment of this Act, a map of each wilderness study area and a map and legal description of each wilderness area shall be filed with the Committees on Interior and Insular Affairs and on Agriculture of the United States Senate and House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

Managing Study Areas to Preserve Wilderness Character

Sec. 6. (a) Except as otherwise provided by this Act, the wilderness areas designated by or pursuant to this Act shall be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act. The wilderness study areas designated by or pursuant to this Act shall--be managed by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation system until Congress has determined otherwise, except that such management requirement shall in no case extend beyond the expiration of the third succeeding Congress from the date of submission to the Congress of the President's recommendations concerning the particular study area.

(b) Within the sixteen wilderness areas designated by section 3 of this Act:

(1) The Secretary of Agriculture may acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purposes of this Act. All lands acquired under the provisions of this subsection shall become National Forest lands and a part of the Wilderness System;

(2) in exercising the exchange authority granted in paragraph (1), the Secretary of Agriculture may accept title to non-Federal property for federally owned property of substantially equal value, or if not of substantially equal value, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require;

(3) the authority of the Secretary of Agriculture to condemn any private land or interest therein within any wilderness area designated by or pursuant to this Act shall not be invoked so long as the owner or owners of such land or interest holds and uses it in the same manner and for those

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purposes for which land or interest was held on the date of the designation of the wilderness area, Provided, however, That the Secretary of Agriculture may acquire such land or interest without consent of the owner or owners whenever he finds such use to be incompatible with the management of such area as wilderness and the owner or owners manifest unwillingness, and subsequently fail, to promptly discontinue such incompatible use;

(4) at least 60 days prior to any transfer by exchange, sale, or otherwise (except by bequest) of such lands or interest therein described in paragraph (3) of this subsection, the owner or owners of such lands or interests therein shall provide notice of such transfer to the supervisor of the National Forest concerned, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate;

(5) at least sixty days prior to any change in the use of such lands or interests therein described in paragraph (3) of this subsection which will result in any significant new construction or disturbance of land surface or flora or will require use of motor vehicles and other forms of mechanized transport or motorized equipment (except as otherwise authorized by law for ingress or egress or for existing agricultural activities begun before the date of designation other than timber cutting), the owner or owners of such lands or interests therein shall provide notice of such change in use to the supervisor of the National Forest within such lands are located, in accordance with such rules and regulations as the Secretary of Agriculture may promulgate;

(6) for the purposes of paragraph (7) and (8) of this subsection, the term "property" shall mean a detached noncommercial residential dwelling, the construction of which was begun before the date of the designation of the wilderness area (hereinafter referred to as "dwelling"), or an existing agricultural activity begun before the date of the designation of the wilderness area, other than timber cutting (hereinafter referred to as "agricultural activity"), together with so much of the land on which the dwelling or agricultural activity is situated, such land being in the same ownership as the dwelling or agricultural activity, as the Secretary of Agriculture shall determine to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use or for the agricultural activity, together with any structures accessory to the dwelling or agricultural activity which are situated on the land so designated;

(7) any owner or owners of property on the date of its acquisition by the Secretary of Agriculture may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for such noncommercial residential purpose or agricultural activity for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary of Agriculture shall pay to the owner fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner:

Provided, That whenever an owner of property elects to retain a right of use and occupancy as provided for in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purpose of those sections

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such owner shall not be considered a displaced person as defined in section 101(6) of that Act; and

(8) a right of use and occupancy retained or enjoyed pursuant to paragraph (7) of this subsection may be terminated with respect to the entire property by the Secretary of Agriculture upon his determination that the property or any portion thereof has ceased to be used for such noncommercial residential purpose or agricultural activity and upon tender to the holder of a right an amount equal to the fair market value as of the date of tender of the portion of the right which remains unexpired on the date of termination. (16 U.S.C. 1131(note))

Transfer of Jurisdiction

Sec. 7. The head of any federal department or agency having jurisdiction over any lands or interests in lands within the boundaries of wilderness areas and wilderness study areas designated by or pursuant to this Act is authorized to transfer to the Secretary jurisdiction over such lands for administration in accordance with the provisions of this Act.

Limitation of the 100th Meridian

Sec. 8. Unless otherwise provided by any other Act the provisions of this Act shall only apply to National Forest areas east of the 100th meridian.

Authorization of Appropriations

Sec. 9. There are hereby authorized to be appropriated an amount not to exceed \$5,000,000 for the acquisition by purchase, condemnation, or otherwise of lands, waters, or interests therein located in areas designated as wilderness pursuant to section 3 of this Act and an amount not to exceed \$1,700,000 for the purpose of conducting a review of wilderness study areas designated by section 4 of this Act.

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91.3 – Wild and Scenic Rivers

Exhibit 01 displays selected text of the Wild and Scenic Rivers Act as amended.

Exhibit 02 displays the USDA-USDI guidelines for Eligibility Classification and Management of River Areas of September 7, 1982 (47 FR 394454).

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October 2, 1968 (Pub. L. 90-542, 82 Stat. 906; 16 U.S.C. 1271 to 1282, 1250, 1253, 1251, 1284, 1285, 1285a, 1285b, 1286, 1287)

Sec. 1 (a) This Act may be cited as the ‘Wild and Scenic Rivers Act’. (16 U.S.C. 1271 note)

Congressional declaration of policy

Sec. 1(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. (16 U.S.C. 1271)

Sec. 1(c) The purpose of this chapter is to implement the policy set out in section 1271 of this title by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time. (16 U.S.C. 1272)

National wild and scenic rivers system

Sec. 2 (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this chapter and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine; that segment of the Wolf River, Wisconsin, which flows through Langlade County...

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1271 of this title. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

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(1) Wild river areas - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas - Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas – Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. (16 U.S.C. 1273)

Sec. 4 (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or unsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this chapter. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in section 1276(a) (1) through (27) of this title no later than October 2, 1978. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers (i) with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system, and (ii) which possess the greatest proportion of private lands within their areas. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (42 U.S.C. 1962 et seq.).

Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Secretary of Energy, the head of any other affected Federal

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department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Secretary of Energy, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

Land acquisition

Sec. 6 (a)(1) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 1274 of this title, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation or by exchange in accordance with subsection (d) of this section. Lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this chapter. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this chapter.

(b) If 50 per centum or more of the entire acreage outside the ordinary high water mark on both sides of the river within a federally administered wild, scenic or recreational river area is owned in fee title by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this chapter. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough

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which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this chapter. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this chapter. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this chapter, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 1274 of this title or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefore, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 1274 of this title or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate secretary jurisdiction over such lands for administration in accordance with the provisions of this chapter. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this chapter within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g)(1) Any owner or owners (hereinafter in this subsection referred to as “owner”) of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this chapter. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of

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termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term “improved property”, as used in this chapter, means a detached, one-family dwelling (hereinafter referred to as “dwelling”), the construction of which was begun before January 1, 1967, (except where a different date is specifically provided by law with respect to any particular river) together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. (16 U.S.C. 1277)

Restrictions on water resources projects

Sec. 7 (a) The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 1274 of this title as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this chapter and would affect the component and the values to be protected by it under this chapter. Any license heretofore or hereafter issued by the Federal Energy Regulatory Commission affecting the New River of North Carolina shall continue to be effective only for that portion of the river which is not included in the National Wild and Scenic Rivers System pursuant to section 1273 of this title and no project or undertaking so licensed shall be permitted to invade, inundate or otherwise adversely affect such river segment.

(b) The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is listed

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in section 1276(a) of this title, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval –

- (i) during the ten-year period following October 2, 1968, or for a three complete fiscal year period following any Act of Congress designating any river for potential addition to the national wild and scenic rivers system, whichever is later, unless, prior to the expiration of the relevant period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, determine that such river should not be included in the national wild and scenic rivers system and notify the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, including a copy of the study upon which the determination was made, at least one hundred and eighty days while Congress is in session prior to publishing notice to that effect in the Federal Register: Provided, That if any Act designating any river or rivers for potential addition to the national wild and scenic rivers system provides a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (i); and
- (ii) during such interim period from the date a report is due and the time a report is actually submitted to the Congress; and
- (iii) during such additional period thereafter as, in the case of any river the report for which is submitted to the President and the Congress, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 1273(a)(ii) of this title, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of designation of a river for study as provided for in section 1276 of this title. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation

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or request in what respect construction of such project would be in conflict with the purposes of this chapter and would affect the component and the values to be protected by it under this chapter.

(c) The Federal Energy Regulatory Commission and all other Federal agencies shall, promptly upon enactment of this chapter, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 1276(a) of this title. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.). (16 U.S.C. 1278)

Withdrawal of public lands from entry, sale, or other disposition under public land laws
Sec. 8 (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 1274 of this title or which is designated after October 2, 1968, for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States...

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 1276(a) of this title are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 1278(b) of this title. Notwithstanding the foregoing provisions of this subsection or any other provision of this chapter, subject only to valid existing rights, including valid Native selection rights under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 1276(a) of this title are hereby withdrawn from entry, sale, State selection or other disposition under the public land laws of the United States for the periods specified in section 1278(b) of this title. (16 U.S.C. 1279)

Federal mining and mineral leasing laws

Sec. 9 (a) Nothing in this chapter shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that –

(i) all prospecting, mining operations, and all other activities on mining claims which, in the case of a component of the system designated in section 1274 of this title, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this chapter or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of

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national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this chapter or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 1276(a) of this title are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 1278(b) of this title. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system. Notwithstanding the foregoing provisions of this subsection or any other provision of this chapter, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 1276(a) of this title are hereby withdrawn subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto, during the periods specified in section 1278(b) of this title. (16 U.S.C. 1280)

Administration

Sec. 10 (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features.

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Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Wilderness Act (16 U.S.C. 1131 et seq.), shall be subject to the provisions of both the Wilderness Act and this chapter with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of the Wilderness Act and this chapter the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this chapter and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of this chapter and such Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this chapter.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this chapter.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands. (16 U.S.C. 1281)

Assistance to State and local projects

Sec. 11 (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) (16 U.S.C. 4601-4 et seq.), needs and opportunities for establishing State and local wild, scenic and recreational areas.

(b)(1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any other Federal agency, shall assist, advise, and cooperate with States or their political subdivisions,

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landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the National Wild and Scenic Rivers System and to other rivers. Any agreement under this subsection may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources.

Management policies

Sec. 12 (a) The Secretary of the Interior, the Secretary of Agriculture, and the head of any other Federal department or agency having jurisdiction over any lands which include, border upon, or are adjacent to, any river included within the National Wild and Scenic Rivers System or under consideration for such inclusion, in accordance with section 1273(a)(ii), 1274(a), or 1276(a) of this title, shall take such action respecting management policies, regulations, contracts, plans, affecting such lands, following November 10, 1978, as may be necessary to protect such rivers in accordance with the purposes of this chapter. Such Secretary or other department or agency head shall, where appropriate, enter into written cooperative agreements with the appropriate State or local official for the planning, administration, and management of Federal lands which are within the boundaries of any rivers for which approval has been granted under section 1273(a)(ii) of this title. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this chapter.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Administrator, Environmental Protection Agency and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river. (16 U.S.C. 1283)

Existing State jurisdiction and responsibilities

Sec. 13 (a) Nothing in this chapter shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreation river area shall be determined by established principles of law. Under the provisions of this chapter, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this chapter

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shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this chapter, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this chapter to the extent that such jurisdiction may be exercised without impairing the purposes of this chapter or its administration.

(e) Nothing contained in this chapter shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this chapter shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this chapter. (16 U.S.C. 1284)

Claim and allowance of charitable deduction for contribution or gift of easement

Sec. 14 The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift. (16 U.S.C. 1285)

Lease of Federal lands

Sec. 14A (a) Where appropriate in the discretion of the Secretary, he may lease federally owned land (or any interest therein) which is within the boundaries of any component of the National Wild and Scenic Rivers System and which has been acquired by the Secretary under this chapter. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this chapter.

(b) Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land immediately before its acquisition by the United States. (16 U.S.C. 1285a)

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The Wild and Scenic Rivers Act**Establishment of boundaries for certain component rivers in Alaska; withdrawal of minerals**

Sec. 15 Notwithstanding any other provision to the contrary in sections 1274 and 1280 of this title, with respect to components of the National Wild and Scenic Rivers System in Alaska designated by paragraphs (38) through (50) of section 1274(a) of this title --

(1) the boundary of each such river shall include an average of not more than six hundred and forty acres per mile on both sides of the river. Such boundary shall not include any lands owned by the State or a political subdivision of the State nor shall such boundary extend around any private lands adjoining the river in such manner as to surround or effectively surround such private lands; and

(2) the withdrawal made by paragraph (iii) of section 1280(a) of this title shall apply to the minerals in Federal lands which constitute the bed or bank or are situated within one-half mile of the bank of any river designated a wild river by the Alaska National Interest Lands Conservation Act. (16 U.S.C. 1285b)

Definitions

Sec. 16 As used in this chapter, the term --

(a) “River” means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) “Free-flowing”, as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: Provided, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) “Scenic easement” means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner’s consent, any regular use exercised prior to the acquisition of the easement. For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for purposes of this chapter. Such an acquisition shall not constitute fee title ownership for purposes of section 1277(b) of this title. (16 U.S.C. 1286)

Authorization of appropriations

Sec. 17 There are hereby authorized to be appropriated, including such sums as have heretofore been appropriated, the following amounts for land acquisition for each of the rivers (described in section 1274(a) of this title): *** (16 U.S.C. 1287)

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Wild and Scenic Rivers Guidelines

USDA-USDI guidelines for Eligibility Classification and Management
of River Areas of September 7, 1982 (47 FR 394454).

DEPARTMENT OF THE INTERIOR

Office of the Secretary

National Park Service

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forest Service

**National Wild and Scenic Rivers System; Final Revised Guidelines for Eligibility,
Classification and Management of River Areas**

AGENCY: National Park Service and Office of the Secretary, Interior; Forest Service and
Office of the Secretary, USDA.

ACTION: Publication of final revised guidelines.

FOR FURTHER INFORMATION CONTACT: Bob Brockwehl (NPS), 202/272-3566.
William R. Snyder (USFS), 202/382-8014.

SUPPLEMENTARY INFORMATION: Guidelines for the study of potential national wild and scenic rivers and management of designated rivers were first issued jointly by the Department of Agriculture and the Department of the Interior in 1970. On January 28, 1981, draft revised guidelines were published in the *Federal Register* for public comment (Vol. 46, No. 18, pp. 9148-9158). The document which follows was prepared after consideration of 50 letters of comment received from other Federal agencies, State governments, private industry, citizens' groups and individuals. Major comments and responses are summarized below. Many of the comments received were not addressed because they related to aspects of the wild and scenic rivers program beyond the scope of these guidelines. (See Preface of the revised guidelines.)

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91.3 - Exhibit 02—continued
Wild and Scenic River Guidelines

Comments and Responses

Comment: The definition of the term outstandingly remarkable value is too vague and too liberal. Too many rivers will be eligible for designation, unreasonably constraining economic development of natural resources.

Response: Balancing of the need for protection versus development of each river area will be considered by the Congress in deciding whether or not to designate the river area. A determination that a particular river is eligible for designation does not necessarily imply that designation is the best use of the river in terms of the national interest.

Comment: The guidelines give inadequate emphasis to public involvement in the study process.

Response: Public involvement is sufficiently addressed in the context of environmental statements or assessments prepared in the study process.

Comment: The guidelines do not make sufficiently clear which of the management principles apply to private lands.

Response: The guidelines may be unclear to the general reader in this respect. The management principles are to be implemented throughout each river area to the fullest extent possible under the managing agency's general statutory authorities and other existing Federal, State and local laws, including zoning ordinances where available. Some management principles obviously apply only to Federal lands within the river area. For instance, the Wild and Scenic Rivers Act does not open private lands to public recreation. Management principles may apply to private lands only to the extent required by other laws such as local zoning and air and water pollution regulations.

Comment: Restriction of timber harvest to selective harvest techniques is unnecessarily limiting from both the timber production and the natural resource preservation standpoints.

Response: The guidelines have been amended in accordance with this comment.

Comment: Specific guidance contained in the 1970 guideline with respect to the granting of rights-of-way for transmission lines is omitted from the revised draft guidelines.

Response: The subsection on rights-of-way has been amended in accordance with this comment.

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Comment: A protected study area extending one half mile from each bank of the river is excessive when the final boundaries of a river area must average no more than one quarter mile from each bank (320 acres per mile).

Response: The half-mile figure was intended to ensure that all areas likely to be included within the boundaries of a designated river area would be considered in the study process. Setting a study boundary based on the "visual corridor" concept was considered but rejected. The one-quarter-mile figure was finally selected to avoid unnecessary limitations on resource developments. Some developments which may be initiated beyond the one-quarter-mile boundary during the study period might be affected in the future if the area under development is included in the boundaries of the river area designated by Congress.

Comment: Evaluation of the study area in its existing condition for classification purposes does not allow for the fact that a forest area growing in relatively natural condition at the time of the study may be scheduled for clearcutting at some future date. The classification process should allow for authorized and scheduled future uses which could change the condition and, thus, the classification of the river area.

Response: The guidelines have been amended to permit consideration of alternative classifications for the river area where authorized future uses could alter classification. The following additional changes were made in response to suggestions from the reviewing public or from reviewers within the responsible agencies.

- Unnecessary definitions were deleted.
- Quotations and paraphrases of the Wild and Scenic River Act (including the whole of Section II -- Policy) were eliminated as much as possible. Instead, the guidelines will reference the appropriate sections of the Act where necessary.
- The entire subsection titled "Findings and Recommendations" and portions of the subsection titled "General Management Principles" were deleted and their content was placed in other appropriate sections.

Additional copies of the guidelines, the Wild and Scenic Rivers Act, as amended, and further information on the National Wild and Scenic Rivers System may be obtained from: National Park Service, Rivers and Trails Division (780), 440 G Street, N.W., Washington, D.C. 20243.

Dated: July 12, 1982.

G. Ray Arnett, Assistant Secretary for Fish and Wildlife and Parks (Interior).

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Wild and Scenic River Guidelines

Dated: August 26, 1982.

Douglas W. MacCleery, Deputy Assistant Secretary for Natural Resources and Environment
(Agriculture).

Department of Agriculture

Department of the Interior

National Wild and Scenic Rivers System

Guidelines for Eligibility, Classification and Management of River Areas.

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Preface

The National Wild and Scenic Rivers System

The Wild and Scenic Rivers Act, (Pub. L. 90-542 as amended; 16 U.S.C. 1271-1287) established a method for providing Federal protection for certain of our country's remaining free-flowing rivers, preserving them and their immediate environments for the use and enjoyment of present and future generations. Rivers are included in the system so that they may benefit from the protective management and control of development for which the Act provides.

The preamble of the Act states:

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in freeflowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

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The Wild and Scenic Rivers Act provides two methods for adding a river to the National Wild and Scenic Rivers System. The first method is by an act of Congress. Congress can designate a river directly, or it can authorize a river for study as a potential wild, scenic or recreational river. Upon completion of a study conducted by the Department of the Interior or the Department of Agriculture, a study report is prepared and transmitted to the President who, in turn, forwards it with his recommendations to Congress for action.

The second method for inclusion of a river in the national system is through the authority granted to the Secretary of the Interior in section 2(a)(ii) of the Act. Upon application by the Governor or Governors of the State or States involved, the Secretary can designate a river as a component of the national system provided that the river has been designated as a wild, scenic or recreational river by or pursuant to an act of the legislature of the State or States through which it flows to be permanently administered as a wild, scenic, or recreational river by an agency or political subdivision of the State or States concerned.

To be eligible for inclusion in the system through either method, rivers must meet certain criteria set forth in section 2(b) of the Act. Procedures for proposing State-administered rivers for designation have been issued by the Department of the Interior.

The Guidelines

Subsequent to enactment of the Wild and Scenic Rivers Act in October 1968, the Departments of Agriculture and the Interior initiated studies of twenty-seven rivers which the Act authorized for study as potential additions to the National Wild and Scenic Rivers System. As these studies progressed, it became evident that specific requirements of the Act concerning the evaluation, classification and management of these rivers were subject to differing interpretations within and between the two departments.

It was therefore agreed that a uniform evaluation and management approach should be formulated for use by the two departments, and through a cooperative effort, Guidelines for Evaluating Wild, Scenic and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System Under Section 2, Public Law 90-542 was prepared and promulgated in February 1970.

The guidelines not only provide guidance for the congressionally mandated studies under section 5(a) of the Act, but are also useful for evaluations conducted by water resource

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development agencies under section 5(d) and for States applying for inclusion of State-designated rivers in the national system.

Revision of the Guidelines

While these guidelines were effective throughout a decade, it became clear that revision was necessary to incorporate changes identified through use and to reflect requirements of new laws and regulations. Therefore, on August 2, 1979, the President directed in his Environmental Message that "the Secretary of Agriculture and the Secretary of the Interior shall jointly revise their guidelines for evaluating wild, scenic and recreational rivers to ensure consideration of river ecosystems and to shorten the time currently used to study rivers for designation."

This revision of the guidelines has been prepared in response to the President's 1979 directive and includes:

- Clarification of the fact that free-flowing rivers which contain outstandingly remarkable ecological values are eligible for addition to the national system.
- Clarification of the fact that free-flowing river segments in or near urban areas that possess outstandingly remarkable values are eligible for addition to the national system.
- Elimination of the 25-mile minimum length guideline.
- Revision of the definition of sufficient river flow or volume of water in the river. Sufficient flow was not defined in the Act, and the definition in the existing guidelines was unnecessarily limiting.
- Revised water quality guidelines to allow inclusion in the system of rivers where restoration to high water quality is planned.
- A revised section on management of designated river areas.
- A study schedule to accelerate completion of the river studies authorized by Congress.

Section I -- Definitions

The following definitions are provided for the purpose of these guidelines only.

Act: The Wild and Scenic Rivers Act.

Carrying capacity: The quantity of recreation use which an area can sustain without adverse impact on the outstandingly remarkable values and free-flowing character of the river area, the quality of recreation experience, and public health and safety.

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Classification criteria: Criteria specified in Section 2(b) of the Act for determining the classification (wild, scenic or recreational) of eligible river segments.

Classification: The process of determining which of the classes outlined in section 2(b) of the Act (wild, scenic, or recreational) best fit the river or its various segments.

Component: A river area designated as a unit of the National Wild and Scenic Rivers System.

Designation: Inclusion of a river area in the national system either by act of Congress or by authority of the Secretary of the Interior.

Development: Any manmade structure or modification of the natural or existing river environment.

Eligibility: Qualification of a river for inclusion in the national system through determination that it is free-flowing and with its adjacent land area possesses at least one outstandingly remarkable value.

Flow: The volume of water in a river passing a given point in a given period of time, usually expressed in terms of cubic feet per second or cubic meters per second.

Impoundment: A body of water formed by any manmade structure.

Management plan: The detailed development plan required under section 3(b) of the Act which states the boundaries and classification of the river area and presents a plan for its public use, development and administration.

Primary contact recreation: Activities in which there is prolonged and intimate contact with the water, (e.g., swimming, water skiing, surfing, kayaking, "tubing," and wading or dabbling by children).

River area: For a river study, that portion of a river authorized by Congress for study and its immediate environment comprising an area extending at least one-quarter mile from each bank. For designated rivers, the river and adjacent land within the authorized boundaries.

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Secondary contact recreation: Activities in which contact with the water is either incidental or accidental, e.g., boating, fishing and limiting contact with water incident to shoreline activities.

Study agency: The agency within the Department of Agriculture or the Department of the Interior delegated the responsibility for a wild and scenic river study.

Study report: The report on the suitability or unsuitability of a study river for inclusion in the national system, which section 4(a) requires the Secretary of Agriculture, or the Secretary of the Interior, or both jointly to prepare and submit to the President. The President transmits the report with his recommendation to the Congress.

Study team: A team of professionals from interested local, State and Federal agencies invited by the study agency and participating in the study.

Section II -- The River Study*The Study Process*

Section 4(a) mandates that all rivers designated as potential additions to the system in section 5(a) be studied as to their suitability for inclusion in the system:

The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or unsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act.

The purpose of a wild and scenic river study is to provide information upon which the President can base his recommendation and Congress can make a decision. Procedures for developing the necessary information and preparing the study report may vary depending on the agency which conducts the study, but generally will include the steps shown on Table 1, Accelerated Study Schedule.

Wild and scenic river studies will comply with all applicable statutes and executive orders, which may include the following: the National Environmental Policy Act (Pub. L. 91-190), the National Historic Preservation Act (Pub. L. 89-665), the Endangered Species

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Act (Pub. L. 93-205), the Fish and Wildlife Coordination Act (Pub. L. 85-264), the Water Resources Planning Act (Pub. L. 89-80), the Floodplain and Wetlands Executive Orders (E.O. 11988 and E.O. 11990), the National Forest Management Act of 1976 (Pub. L. 94-588), the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579), the Wild and Scenic Rivers Act, (Pub. L. 90-542, as amended), and any rules and regulations issued pursuant thereto.

The Study Report

Each river study report will be a concise presentation of the information required in sections 4(a) and 5(c) of the Act as augmented by the Council on Environmental Quality regulations implementing the procedural provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508).

Section 4(a):

Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system.

In addition, section 5(c) requires that:

The study of any of said rivers . . . shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

Study reports may be combined with draft and final environmental impact statements (EIS) as permitted by Section 1506.4 of the Council on Environmental Quality regulations. Study reports will be reviewed by other Federal agencies, states and the

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public as required by section 4(b) of the Wild and Scenic Rivers Act. Each of the following subsections describes the way in which the information is generated, analyzed and presented in the report.

Description of the River Area

Each report will contain a description of the area included in the study. The study area will cover, as a minimum, an area extending the length of the river segment authorized for study and extending in width one-quarter mile from each bank of the river.

Adjacent river areas beyond one quarter mile from each river bank may be studied if their inclusion could facilitate management of the resources of the river area. For example, there may be important historic, archeological or ecological resource areas which may extend beyond the boundaries of the mandated study area, but could be better managed by inclusion in the river area. Also, management of the river area may be facilitated by extension to include established or available access points not included in the study.

For the purposes of study and determining eligibility and classification, the river area may be divided into segments.

The description of the river area will identify the outstandingly remarkable values and the extent of man's activity in the river environment to provide a clear basis for findings of eligibility and classification. While only one outstandingly remarkable value is necessary for eligibility, the study report should carefully document all values of the river area.

In addition to the information required by Sections 4(a) and 5(c) of the Act, this section of the report will describe any existing zoning ordinances or other provisions of law governing land use in the study area.

If the study report and the environmental impact statement are combined, the same chapter may describe both the river area and the affected environment. For EIS purposes and for general information, a brief description of the regional setting will also be included.

Determination of Eligibility

Each report will contain a determination as to the eligibility of all portions of the authorized study area. Section 2(b) of the Act states that "a . . . river area eligible to be

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included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act." The terms "river" and "free-flowing" are defined in section 16 of the act.

In reading and applying the criteria for eligibility, the following points are relevant:

- The fact that a river segment may flow between large impoundments will not necessarily preclude its designation. Such segments may qualify if conditions within the segment meet the criteria.
- Rivers or river segments in or near urban areas that possess outstandingly remarkable values may qualify. Only one outstandingly remarkable value is needed for eligibility.
- In addition to the specific values listed in Section 1(b) of the Act, other similar values, such as ecological, if outstandingly remarkable, can justify inclusion of a river in the national system.
- The determination of whether a river area contains "outstandingly remarkable" values is a professional judgment on the part of the study team. The basis for the judgment will be documented in the study report.
- There are no specific requirements concerning the length or the flow of an eligible river segment. A river segment is of sufficient length if, when managed as a wild, scenic or recreational river area, the outstandingly remarkable values are protected. Flows are sufficient if they sustain or complement the outstandingly remarkable values for which the river would be designated.

Classification

Study reports will indicate the potential classification which best fits each eligible river segment as viewed in its existing condition. Section 2(b) of the Act states that rivers which are found eligible and included in the National Wild and Scenic Rivers Systems shall be classified as one of the following:

(1) Wild river areas -- Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shoreline essentially primitive and waters unpolluted. These represent vestiges of primitive America.

These criteria are interpreted as follows:

- a. "Free of impoundments." Wild river areas shall be free of impoundments.

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b. "Generally inaccessible except by trail." Wild river areas will not contain roads, railroads, or other provisions for vehicular travel within the river area. The existence of a few inconspicuous roads leading to the boundary of the river area at the time of study will not necessarily bar wild river classification.

c. "Watersheds or shorelines essentially primitive." Wild river areas will show little or no evidence of human activity. Shorelines and watersheds within the river area should be essentially free of structures including such things as buildings, pipelines, powerlines, dams, pumps, generators, diversion works, rip-rap and other modifications of the waterway or adjacent land within the river corridor. The existence of a few inconspicuous structures, particularly those of historic or cultural value, at the time of study need not bar wild classification.

A limited amount of domestic livestock grazing or hay production may be considered "essentially primitive." There should be no row crops or ongoing timber harvest and the river area should show little or no evidence of past logging activities.

d. "Waters unpolluted." The water quality of a wild river will meet or exceed Federal criteria or federally approved State standards for aesthetics, for propagation of fish and wildlife normally adapted to the habitat of the stream, and for primary contact recreation except where exceeded by natural conditions.

(2) Scenic river areas -- Those rivers or sections or rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

These criteria are interpreted as follows:

a. "Free of impoundments." Scenic river areas will be free of impoundments.

b. "Shorelines or watersheds still largely primitive." To qualify for scenic classification, the rivers segment's shorelines and immediate environment should not show substantial evidence of human activity. The portion of the watershed within the boundary of the scenic river may have some discernible existing development. "Largely primitive" means that the shorelines and the immediate river environment still present an overall natural character, but that in places land may be developed for agricultural purposes. Row crops would be considered as meeting the test of "largely primitive," as would timber harvest and other resource use, providing such activity is accomplished without a substantial adverse effect on the natural appearance of the river or its immediate environment.

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c. "Shorelines largely undeveloped" means that any structures or concentration of structures must be limited to relatively short reaches of the total area under consideration for designation as a scenic river area.

d. "Accessible in places by road" means that roads may reach the river area and occasionally bridge the river. The presence of short stretches of conspicuous or longer stretches of inconspicuous and well-screened roads or railroads will not necessarily preclude scenic river designation. In addition to the physical and scenic relationship of the free-flowing river area to roads or railroads, consideration should be given to the type of use for which such roads or railroads were constructed and the type of use which would occur within the proposed scenic river area.

(3) Recreational river areas -- Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

These criteria are interpreted as follows:

a. "Readily accessible by road or railroad." River areas classified as recreational may contain existing parallel roads or railroads in close proximity to one or both banks of the river as well as bridge crossings and roads fording or ending at the river.

b. "Some development along their shorelines." Lands may have been developed for the full range of agricultural and forestry uses, may show evidence of past and ongoing timber harvest, and may include some residential, commercial or similar development.

c. "Some impoundment or diversion in the past." There may be some existing impoundments, diversions and other modifications of the waterway having an impact on the river area. Existing low dams, diversion works, rip-rap and other minor structures will not bar recreational classification, provided the waterway remains generally natural and riverine in appearance. The classification criteria are summarized in Table 2, appended to these guidelines.

There are several points which all participants and observers of the study process should bear in mind when reading and applying the classification criteria:

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- It is important to understand each criterion, but it is more important to understand their collective intent. Each river segment and its immediate environment should be considered as a unit. The basis for classification is the degree of naturalness, or stated negatively, the degree of evidence of man's activity in the river area. The most natural rivers will be classified wild; those somewhat less natural, scenic, and those least natural, recreational.
- Generally, only conditions within the river area determine classification; however, occasionally conditions outside the river area, such as developments which could impact air and water quality, noise levels or scenic views within the river area, may influence classification.
- For the purpose of classification, a river area may be divided into segments. Each segment, considered as a whole, will conform to one of the classifications. In segmenting the river, the study team should take into account the management strategies necessary to administer the entire river area and should avoid excessive segmentation.
- The Wild and Scenic Rivers Act provides no specific guidance on water quality for scenic and recreational rivers. However, the Clean Water Act has made it a national goal that all waters of the United States be made fishable and swimmable, and provides the legal means for upgrading water quality in any river which would otherwise be suitable for inclusion in the system. Therefore, rivers will not necessarily be excluded from the system because of poor water quality at the time study, provided a water quality improvement plan exists or is being developed in compliance with applicable State and Federal laws.
- Although each classification permits certain existing development, the criteria do not imply that additional inconsistent development is permitted in the future.
- The classification criteria provide uniform guidance for professional judgment, but they are not absolutes. It is not possible to formulate criteria so as to mechanically or automatically classify river areas. Therefore, there may occasionally be exceptions to some of the criteria. For example, if the study team finds that strict application of the statutory classification criteria would not provide the most appropriate classification for a specific river segment, the study report may recommend for congressional consideration an exception to the classification criteria.

Analysis of the Alternatives

- To provide for decision making and to satisfy the requirements of the National Environmental Policy Act, study reports will include an analysis of alternatives. The study team will develop an array of alternative plans encompassing all

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reasonable proposals for use of the river area including uses which may be incompatible with designation of the river area as a component of the national system. Where appropriate, alternative plans for the river area may be based on, but not limited to:

- Alternative managing agencies for the river area;
- Alternative protective measures other than national designation; Alternative uses of the area incompatible with designation as a component of the national system; and
- Alternative classifications for the river area. Occasionally there may be authorized but not yet constructed projects, which if constructed would alter the classification of the river area. In such cases, alternatives may be presented to permit consideration of the river area as it would be classified both with and without the authorized project. Authorized projects may include approved land management plans prepared by a Federal land management agency under its statutory authorities.

The study report will present at least one alternative plan calling for national designation through either Congressional or Secretarial designation of all eligible segments of the congressionally authorized study area.

If the study team finds a segment ineligible for designation as a component of the National Wild and Scenic Rivers System, but still worthy of protection, alternatives for State, local or private preservation may be presented, as well as protection under other Federal programs.

If areas adjacent to the study area have been studied and found eligible, the report may present alternatives which incorporate such areas into the river area proposed for designation. Such expansion of the original study area either in length or in width may be desirable to preserve and facilitate management of river ecosystems, historic or archeological areas or other special areas.

Section III -- Management

Wild and scenic rivers shall be managed with plans prepared in accordance with the requirements of the Act, other applicable laws, and the following general management principles. Management plans will state: General principles for any land acquisition which may be necessary; the kinds and amounts of public use which the river area can sustain without impact to the values for which it was designated; and specific

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management measures which will be used to implement the management objectives for each of the various river segments and protect esthetic, scenic, historic, archaeologic and scientific features.

If the classification or classifications determined in the management plan differ from those stated in the study report, the management plan will describe the changes in the existing condition of the river area or other considerations which required the change in classification.

General Management Principles

Section 10(a) states,

Each component of the national wild and scenic rivers system shall be administered in such a manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archaeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development on the special attributes of the area.

This section is interpreted as stating a non-degradation and enhancement policy for all designated river areas, regardless of classification. Each component will be managed to protect and enhance the values for which the river was designated, while providing for public recreation and resource uses which do not adversely impact or degrade those values. Specific management strategies will vary according to classification but will always be designed to protect and enhance the values of the river area. Land uses and developments on private lands within the river area which were in existence when the river was designated may be permitted to continue. New land uses must be evaluated for their compatibility with the purposes of the Act.

The management principles which follow stem from section 10(a). Managing agencies will implement these principles to the fullest extent possible under their general statutory authorities and existing Federal, State and local laws. Because of these limitations, however, implementation of the principles may differ among and within components of the system depending on whether the land areas involved are federally, State, locally or privately owned.

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Carrying Capacity. Studies will be made during preparation of the management plan and periodically thereafter to determine the quantity and mixture of recreation and other public use which can be permitted without adverse impact on the resource values of the river area. Management of the river area can then be planned accordingly.

Public Use and Access. Public use will be regulated and distributed where necessary to protect and enhance (by allowing natural recovery where resources have been damaged) the resource values of the river area. Public use may be controlled by limiting access to the river, by issuing permits, or by other means available to the managing agency through its general statutory authorities.

Basic Facilities. The managing agency may provide basic facilities to absorb user impacts on the resource. Wild river areas will contain only the basic minimum facilities in keeping with the "essentially primitive" nature of the area. If facilities such as toilets and refuse containers are necessary, they will generally be located at access points or at a sufficient distance from the river bank to minimize their intrusive impact. In scenic and recreational river areas, simple comfort and convenience facilities such as toilets, shelters, fireplaces, picnic tables and refuse containers are appropriate. These, when placed within the river area, will be judiciously located to protect the values of popular areas from the impacts of public use.

Major Facilities. Major public use facilities such as developed campgrounds, major visitor centers and administrative headquarters will, where feasible, be located outside the river area. If such facilities are necessary to provide for public use and/or to protect the river resource, and location outside the river area is infeasible, such facilities may be located within the river area provided they do not have an adverse effect on the values for which the river area was designated.

Motorized Travel. Motorized travel on land or water is generally permitted in wild, scenic and recreational river areas, but will be restricted or prohibited where necessary to protect the values for which the river area was designated.

Agricultural and Forestry Practices. Agricultural and forestry practices should be similar in nature and intensity to those present in the area at the time of designation. Generally, uses more intensive than grazing and hay production are incompatible with wild river classification. Row crop production and timber harvest may be practice in recreational and scenic river areas. Recreational river areas may contain an even larger range of agricultural and forestry uses. Timber harvest in any river area will be conducted so as to avoid adverse impacts on the river area values.

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Other Resource Management Practices. Resource management practices will be limited to those which are necessary for protection, conservation, rehabilitation or enhancement of the river area resources. Such features as trail bridges, fences, water bars and drainage ditches, flow measurement devices and other minor structures or management practices are permitted when compatible with the classification of the river area and provided that the area remains natural in appearance and the practices or structures harmonize with the surrounding environment.

Water Quality. Consistent with the Clean Water Act, water quality in wild, scenic and recreational river areas will be maintained or, where necessary, improved to levels which meet Federal criteria or federally approved State standards for aesthetics and fish and wildlife propagation. River managers will work with local authorities to abate activities within the river area which are degrading or would degrade existing water quality.

Additional management principles stem from other sections of the Act as follows:

- Land Acquisition: Section 6
- Water Resource Development: Section 7
- Mining: Section 9
- Management of Adjacent Federal Lands: Section 12(a)
- Hunting and Fishing: Section 13(a)
- Water Rights: Section 13(b)-(f)
- Rights-of-Way: Section 13(g)

The following policies are consistent with and supplement the management principles stated in the Act:

Land Use Controls. Existing patterns of land use and ownership should be maintained, provided they remain consistent with the purposes of the Act. Where land use controls are necessary to protect river area values, the managing agency will utilize a full range of land-use control measures including zoning, easements and fee acquisition.

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Rights-of-Way. In the absence of reasonable alternative routes, new public utility rights-of-way on Federal lands affecting a Wild and Scenic River area or study area will be permitted. Where new rights-of-way are unavoidable, locations and construction techniques will be selected to minimize adverse effects on scenic, recreational, fish and wildlife and other values of the river area.

Other legislation applicable to the various managing agencies may also apply to wild and scenic river areas. Where conflicts exist between the provisions of the Wild and Scenic Rivers Act and other acts applicable to lands within the system, the more restrictive provisions providing for protection of the river values shall apply.

Table 1 -- Accelerated Study Schedule

(omitted, no longer used)

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Table 2 -- Classification Criteria for Wild, Scenic and Recreational River Areas

ATTRIBUTE	WILD	SCENIC	RECREATIONAL
Water Resources Development	Free of impoundment.	Free of impoundment.	Some existing impoundment or diversion. The existence of low dams, diversions, or other modifications of the waterway is acceptable, provided the waterway remains generally natural and riverine in appearance.
Shoreline Development	Essentially primitive. Little or no evidence of human activity. The presence of a few inconspicuous structures, particularly those of historic or cultural value, is acceptable. A limited amount of domestic livestock grazing or hay production is acceptable. Little or no evidence of past timber harvest. No ongoing timber harvest.	Largely primitive and undeveloped. No substantial evidence of human activity. The presence of small communities or dispersed dwellings or farm structures is acceptable. The presence of grazing, hay production, or row crops is acceptable. Evidence of past or ongoing timber harvest is acceptable, provided the forest appears natural from the riverbank.	Some development. Substantial evidence of human activity. The presence of extensive residential development and a few commercial structures is acceptable. Lands may have been developed for the full range of agricultural and forestry uses. May show evidence of past and ongoing timber harvest.

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91.3 - Exhibit 02—continued
Wild and Scenic River Guidelines

Table 2 –Continued,

Classification Criteria for Wild, Scenic and Recreational River Areas

ATTRIBUTE	WILD	SCENIC	RECREATIONAL
Accessibility	<p>Generally inaccessible except by trail.</p> <p>No roads, railroads or other provision for vehicular travel within the river area. A few existing roads leading to the boundary of the river area is acceptable.</p>	<p>Accessible in places by road.</p> <p>Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads or railroads is acceptable.</p>	<p>Readily accessible by road or railroad.</p> <p>The existence of parallel roads or railroads on one or both banks as well as bridge crossings and other river access points is acceptable.</p>
Water Quality	<p>Meets or exceeds federal criteria or federally approved state standards for aesthetics, for propagation of fish and wildlife normally adapted to the habitat of the river, and for primary contact recreation (swimming), except where exceeded by natural conditions.</p>	<p>No criteria prescribed by the Wild and Scenic Rivers Act. The Federal Water Pollution Control Act Amendments of 1972 have made it a national goal that all waters of the United States be made fishable and swimmable. Therefore, rivers will not be precluded from scenic or recreational classification because of poor water quality at the time of their study, provided a water quality improvement plan exists or is being developed in compliance with applicable federal and state laws.</p>	

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91.3 - Exhibit 02—continued
Wild and Scenic River Guidelines

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