



File Code: 1570-1 (EMC)

Date: April 13, 1999

***Mr. Steven Behnke
Alaska Wilderness Recreation
& Tourism Association
P.O. Box 22827
Juneau, Alaska 99802***

RE: Appeal of the Record of Decision for the Tongass National Forest Land and Resource Management Plan (#97-13-00-0129-A217)

Dear Mr. Behnke:

Pursuant to 36 CFR 217, this letter is our decision on your appeal of Regional Forester Phil Janik's May 23, 1997, Record of Decision (1997 ROD) which approved a revised Forest Land and Resource Management Plan (1997 Forest Plan) for the Tongass National Forest in Alaska.

Your Notice of Appeal (NOA) was received on October 6, 1997. Your appeal on behalf of the Alaska Wilderness Recreation & Tourism Association was timely as it was postmarked September 25, 1997. The Regional Forester transmitted the relevant decision documentation and pertinent appeal records (AR) to this office on November 13, 1997. Many interested parties requested and were granted intervenor status (see enclosed lists of parties). Intervenors whose comments were received are also listed on the enclosed lists of parties.

Secretary Review and Evaluation

The 1997 Forest Plan is based on Alternative 11 in the Tongass Land and Resource Management Plan Revision Final Environmental Impact Statement (FEIS), with modifications as documented in the 1997 ROD. The decision to approve the 1997 Forest Plan was subject to appeal in accordance with Forest Service appeal regulations at 36 CFR 217. Thirty-three notices of appeal were filed on the May 23, 1997, decision. In addition, two lawsuits have been filed that involve the appeals of the 1997 ROD. Also, the 1997 Forest Plan is implicated in at least one other lawsuit unrelated to appeals.

As the Under Secretary for Natural Resources and Environment at USDA, I have elected to exercise discretionary review of the administrative appeals relating to the Regional Forester's approval of the 1997 Forest Plan. This is not a step I take lightly. It is my belief that the continuing controversy and exceptional circumstances surrounding the Tongass Land and Resource Management Plan warrant my direct and immediate participation in order to bring this controversy to closure as quickly as possible so that the Forest Service can move forward

with the Modified 1997 Forest Plan implementation. The residents of Southeast Alaska, their communities and elected officials, as well as business and organizations from the region, have long sought certainty in the management of the Tongass National Forest. A key to this certainty is ensuring the sustainability of the goods and services produced by the Tongass National Forest, and all the resources on which they depend. The enclosed 1999 ROD seeks to provide that certainty built upon a foundation of sustainable natural resource stewardship. Therefore, I have reviewed these appeals and related records. My decisions in the appeals reflect modifications contained in the enclosed 1999 ROD.

The 1999 ROD documents my decision and rationale to modify the 1997 Forest Plan. I am modifying some aspects of the 1997 Forest Plan, not because I find that it fails to meet mandatory requirements, but because I have concluded that, for multiple use reasons and to reduce the level of environmental risk, the Secretary's responsibilities and authorities should be exercised differently to improve the Forest Plan. The enclosed 1999 ROD changes development land use designations (LUD's) to mostly natural LUD's in 18 Areas of Special Interest totalling approximately 234,000 acres. The 1999 ROD also strengthens a standard and guideline (S&G) and adds another to address certain wildlife species, to improve subsistence opportunities and to reduce risk to old-growth ecosystem viability. Adjustments I made to management direction, together with unchanged portions of the 1997 Forest Plan, will hereinafter be referred to as the Modified 1997 Forest Plan. The Modified 1997 Forest Plan is the document titled "Land and Resource Management Plan - Tongass National Forest", dated 1997, and is based on Alternative 11 in the "Tongass Land Management Plan Revision Final Environmental Impact Statement" with modifications as noted in the enclosed 1999 ROD.

Regulatory Authorities

The regulations governing forest plan appeals are not based on statutes that require an appeal system, but instead are one way the Department meets its responsibilities under the Organic Act (16 U.S.C. 472, 551), the Multiple Use-Sustained Yield Act (16 U.S.C. 528-531) (MUSYA), and the National Forest Management Act (16 U.S.C. 1600, et seq.) (NFMA). As Under Secretary I am charged to provide leadership in resource management and assure the protection, management, and administration of the National Forests (7 U.S.C. 2.20). I also am charged under 7 U.S.C. 2.20(a)(2)(viii) to "exercise the administrative appeal functions of the Secretary of Agriculture in review of decisions of the Chief of the Forest Service pursuant to 36 CFR 215 and 217, and 36 CFR 251 Subpart C."

The regulations governing forest plan appeals (36 CFR 217.17) provide for discretionary review by the Under Secretary. Discretionary review is based on the appeal record presented to the Chief (36 CFR 217.17(e)). The appeal regulations grant broad latitude in deciding when to invoke discretionary review (36 CFR 217.17(a)). The 1997 Forest Plan falls within the scope of the identified factors that include, but are not limited to, the "controversy surrounding the decision, the potential for litigation, whether the decision is precedential in nature, or whether the decision modifies existing or establishes new policy." In fact, probably not since the Secretaries of Agriculture and the Interior jointly signed the 1994 "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl" has there been as compelling a

need for final resolution of such a long-standing land management controversy. An expedited discretionary review harms no appellant's interests as the Chief's decision would be subject to discretionary review in any event, and the review is based on the same record. In sum, expediting the discretionary review portion of the appeal process, although unconventional, is in the best interest of the residents of Southeast Alaska and the public at large, and within the spirit and letter of the appeal regulations.

I find that the Regional Forester complied with applicable Federal law and agency policy in his approval of the 1997 ROD for the 1997 Forest Plan. However, as previously discussed, I feel modifications are needed to reduce the level of risk and uncertainty for ensuring environmental protection regarding three key issues which I found could be improved upon from the 1997 Forest Plan: (1) subsistence use and associated deer winter range/deer habitat capability; (2) assurance of adequate amounts and distribution of old-growth forest for species viability; and (3) protection of Areas of Special Interest.

My decision on the appeals reflects those modifications contained in the enclosed 1999 ROD and is the final administrative action by the Department of Agriculture.

The Modified 1997 Forest Plan

The Modified 1997 Forest Plan is a programmatic framework for management of an administrative unit of the National Forest System.¹ The enclosed 1999 ROD explains what the Modified 1997 Forest Plan does. "This Plan provides the broad, programmatic direction necessary to manage the resources and uses of the Tongass National Forest in a coordinated and integrated manner" (Modified 1997 Forest Plan). It "will guide the management of the Tongass National Forest for the next 10 to 15 years" (1999 ROD). The components of Forest Plan direction, "along with the Land Use Designation map, establish a management framework that governs the location, design, and scheduling of all Forest management activities. Within the management framework, project-level planning is undertaken to achieve Forest Plan implementation" (Modified 1997 Forest Plan). The Modified 1997 Forest Plan sets forth goals and objectives for management and establishes programmatic standards to follow in pursuit of those goals. "Goals are achieved through the allocation of lands to the set of LUD's, through implementation of the Standards and Guidelines specified for the LUD's, and through other activities conducted on the Forest" (Modified 1997 Forest Plan). Pursuant to NFMA, the Modified 1997 Forest Plan identifies land that is suitable for timber production and determines the allowable sale quantity (ASQ), and other resource outputs, all of which are estimates.

Implementation of the Modified 1997 Forest Plan will take place through project-level decisions which must be within the bounds of the programmatic framework. As stated in the Modified 1997 Forest Plan, implementation is "accomplished through the recurrent

¹*The Modified 1997 Forest Plan and FEIS were prepared under the authority of the Multiple Use-Sustained Yield Act (MUSYA) (16 U.S.C. 528-531); the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the NFMA (16 U.S.C. 1601-1614); the implementing regulations of NFMA (36 CFR 219); and the NEPA (42 U.S.C. 4321-4335 and its implementing regulations (40 CFR 1500-1508).*

*identification of proposed actions . . . consistent with activities anticipated in the Plan; the analysis and evaluation of such actions . . . ; related documentation and decisionmaking; and project execution and administration, in a manner that is consistent with the management direction of the Plan" (Modified 1997 Forest Plan). Thus, the Modified 1997 Forest Plan standards operate as parameters within which projects must take place. Approval of any project must be consistent with the management standards. If a project cannot be conducted within these parameters, these safeguard mechanisms in the Modified 1997 Forest Plan will prevent such development from going forward (see *Swan View Coalition v. Turner*, 824 F.Supp 923, 933 (D. Mont. 1992)).*

The 1999 ROD (Section VIII, Appeal Rights) notes that decisions on site-specific projects are not made in the ROD and that such decisions will not be made until completion of environmental analysis and documentation for the specific project, in compliance with the National Environmental Policy Act (NEPA). Thus, approval of the Modified 1997 Forest Plan does not mandate any project decisions. Each project or activity must be consistent with the programmatic environmental protection direction in the Modified 1997 Forest Plan (16 U.S.C. 1604 (i)).

Finally, the Modified 1997 Forest Plan establishes monitoring requirements to help determine how well the standards and management direction are working and whether the goals remain appropriate throughout the plan period. As stated in the Modified 1997 Forest Plan, ". . . monitoring and evaluation comprise an essential feedback mechanism within an adaptive management framework to keep the Plan dynamic and responsive to changing conditions."

In summary, the Modified 1997 Forest Plan establishes a framework for decisionmaking on the Tongass National Forest using programmatic direction as a gateway for compliance with environmental laws at the project level.

Response to Concerns

Your appeal contains concerns related to recreation and tourism. Your request for relief is that the 1997 Forest Plan be amended.

My response to your concerns provides a focused response to contentions involving complex resource management issues. Although every contention made by you may not be cited in this decision, all of your concerns have been considered. My review of the concerns has focused upon the Regional Forester's compliance with law, regulation and policy.

Multiple Use

You contend that, "[t]he Plan is still primarily a logging plan rather than a balanced multiple use plan that addresses the growing significance and value of recreation and tourism" (NOA, p. 1).

Discussion

With regard to your concern about multiple-use, it should be noted that multiple-use does not mean every use on every acre. Rather it is "the management of all the various renewable surface resources of the National Forest System so that they are used in the combination that will best meet the needs of the American people; 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" (FEIS, p. 7-28).

You suggest that recreation and tourism do not get enough consideration in this plan, when compared to logging (NOA, p. 1). My review of the record shows projected effects of both logging on recreation and of recreation on logging were addressed (Record, RS-G-3, TLMP 453). There are numerous documents in the record which refer to meetings, discussions, and written correspondence about tourism or recreation (Record, RS-G-3-a, TLMP 1301 - 1304; RS-G-3-b, TLMP 73; RS-G-3-c, TLMP 8, 217, 221, 220, 225, 444, 428, 426, 1039, 1049, and 1590; RS-G-3-d, TLMP 673, 537, and 539), all of which contain information considered by the Regional Forester.

In addition, recreation, tourism, wildlife, and fish habitat were discussed in portions of the FEIS (Appendices A - L & N, Chapters 1 - 3), the 1997 Forest Plan (Chapters 1 - 4 & 6, Appendix A-D & F - L) and the 1997 ROD (Appendix A). These topics of concern were discussed as public issues (FEIS, pp. 1-3 to 1-6), focus issues (FEIS, pp. 1-6 to 1-8, and 2-8 to 2-13), components in development of LUD's (FEIS, pp. 2-1 to 2-7), and Component Options (FEIS, p. 2-22; Appendix I).

Three of the 10 public issues used to develop the alternatives in the 1997 Forest Plan were: Recreation; Fish Habitat; and Wildlife Habitat (FEIS, p. 1-4). In addition, two of the "five issues determined by the Regional Forester to need more study and evaluation before a final Revised Forest Plan could be adopted" were "wildlife viability" and "fish habitat" (FEIS, pp. 1-6 to 1-8).

Each alternative includes Forest multiple-use goals that are described in the 1997 ROD and Chapter 2 of the 1997 Forest Plan. One of the primary goals of the 1997 Forest Plan, which guides the overall management of the Forest, was to "provide a full range of recreation opportunities" (1997 ROD, p. 2). The 1997 ROD and FEIS also discuss the management prescriptions for different areas, or LUD's. These LUD's included some essential components, which received special consideration when the Regional Forester made his decision (1997 ROD, p. 3). One of these essential components was categorized as "recreation and tourism" (1997 ROD, p. 4). In addition, Special Interest Areas were designated, several because of concerns for recreation (1997 ROD, p. 10; FEIS, pp. 2-3 to 2-6).

Decision

After reviewing the record, I find that the 1997 Forest Plan does not exclusively address timber production, rather it provides for multiple-use goals and objectives of resources, including recreation and tourism. However, I have determined that there was a need to modify the provisions of the 1997 Forest Plan to reduce the level of risk and uncertainty for ensuring environmental protection. These modifications will better address recreation and

tourism. To achieve that I have changed some development LUD's to mostly natural LUD's (refer to the enclosed 1999 ROD Appendix B).

Recreation/Tourism Alternative

You contend that, "[t]here was no real effort to identify a 'recreation/tourism' alternative for the Plan that would have fully provided for existing and growing recreation and tourism demand" (NOA, p. 2).

Discussion

With regard to a recreation/tourism alternative, a separate alternative was not developed because, as discussed above, "the spectrum of land use designations of the existing alternatives covered this because they permit substantial recreational uses and tourism development" (1997 ROD, p. 13). A separate recreation/tourism alternative had been discussed and analyzed throughout the NEPA process (see above discussion on issues and components), and "changes were made to the recreation standards and guidelines in response to" suggestions for a separate recreation or tourism alternative (1997 ROD, p. 13).

*Alternatives prepared for consideration in a forest plan should provide a broad range of reasonable management scenarios for the various uses of the forest (36 CFR 219.12 (f)). A primary goal in formulating alternatives is to provide an adequate basis for identifying the alternative that comes closest to maximizing net public benefits in an environmentally sound manner (*id.*). Thus, the evaluation of the range of alternatives does not turn upon consideration of a single factor, such as recreation, but rather must consider the alternatives as a whole.*

*The Ninth Circuit Court of Appeals has ruled that the range of alternatives required to be analyzed is determined by the scope of the proposed action (*California v. Block*, 690 F. 2d 753, 767 (9th Cir. 1983); *NCAP v. Lynq*, 844 F. 2d 588, 593 (9th Cir. 1988)). An EIS need only set forth alternatives sufficient to permit a reasoned choice (*Sierra Club v. Robertson*, 810 F. Supp. 1021, 1029 (W.D. Ark 1992) affirmed 28 F.3d 753 (8th Cir. 1994), citing *Minnesota Public Interest Research Group V. Butz*, 541 F. 2d 1292, 1300 (8th Cir. 1975)).*

*An agency need only set forth those alternatives necessary to permit a "reasoned choice" (*Friends of Endangered Species, Inc. v. Jantzen*, 760 F.2d 976, 988 (9th Cir. 1985); see also *Olmstead Citizens for a Better Community v. United States*, 793 F.2d 201, 208-209 (8th Cir. 1986); *Life of the Land v. Brinegar*, 485 F.2d 460, 472 (9th Cir. 1973), cert. denied, 416 U.S. 961 (1974)). The NEPA does not require full discussion of land-use alternatives whose implementation is remote or speculative (*Jantzen*, 760 F.2d at 988). Moreover, "an agency's consideration of alternatives is adequate if it considers an appropriate range of alternatives, even if it does not consider every available alternative" (*Resources Limited v. Roberston*, 8 F.3d 1394, 1401 (9th Cir. 1993), citing, *Headwaters, Inc. v. Bureau of Land Management*, 914 F.2d 1174, 1180-1181 (9th Cir. 1990)).*

Arguments raised by the appellant here are similar to those addressed by several Federal courts in their review of Forest Service land and resource management plans. In Resources Limited, Inc. v. Robertson, 789 F. Supp. 1529 (D. Mont. 1991), affirmed, 8 F.3d at 1401-1402, plaintiffs argued that the Flathead Forest Plan EIS was inadequate because it allegedly was developed using "unrealistic timber prices and harvest costs." The district court reviewed the Flathead Forest Plan's range of alternatives using a "rule of reason: "the agency is required to set forth only those alternatives necessary to permit a reasonable choice." The "touchstone" for the court's inquiry is whether the EIS's selection and discussion of alternatives fosters informed decisionmaking and informed public participation (Id. at 1537). The court concluded that assumptions underlying the EIS were reasonable (Id. at 1539).

In Sierra Club v. Robertson, 810 F. Supp. at 1021 (W.D. Ark. 1992), affirmed, 28 F. 3d 753 (8th Cir., 1994), plaintiffs argued that the Ouachita Forest Plan EIS was inadequate because it did not contain a "herbicide-free, selection cutting" alternative. The court noted that the Forest Plan EIS considered 13 alternatives and their environmental consequences and concluded that the Forest Service "considered sufficient alternatives to permit a reasoned choice."

Equally important, the Ninth Circuit Court of Appeals held in Idaho Conservation League v. Mumma, 956 F.2d 1508, 1520, 1522 (9th Cir. 1992) that "the inclusion of alternatives similar to that put forward by plaintiffs' was held sufficient by the court in Headwaters, Inc. v. Bureau of Land Management, 914 F.2d 1174 (9th Cir. 1990), and Northern Plains Resource Council v. Lujan, 874 F.2d 661, 666 (9th Cir. 1989)."

Arguments similar to those raised in this administrative appeal were likewise addressed in another Federal district decision. In Krichbaum v. Kelley, 844 F. Supp. 1107, 1114 (W.D. Va. 1994), the court found that:

So long as congress requires this [National] Forest to be managed with multiple-use principles, portions of the Forest must embody a compromise between "natural" Forest conditions and the need for Forest resources -- consistent, of course, with NFMA's substantive commands. Unless it acts irrationally, this compromise is the agency's to strike, and it need not consider alternatives which are inconsistent with that compromise.

For a forest plan, the choice is among management scenarios affecting all the multiple-use resources of the forest. Alternatives cannot be completely specified by a single output. Displays of estimated output levels for the various resources under the alternatives are presented to assist the public to better understand the possible consequences of implementing a particular alternative. Output levels themselves are not subject to the NEPA requirements for a broad range of reasonable alternatives. In developing a forest plan, it is reasonable to expect that alternatives designed to meet established goals and objectives may produce similar results. The 1997 Forest Plan does demonstrate variation in management emphasis between alternatives.

In the development of a forest plan for a 10-15 year period, there is an infinite number of alternatives that could be evaluated in detail. Consideration of all these is obviously an impossible task. The process of narrowing the possible alternatives to be considered to a manageable and reasonable range is appropriate under NEPA. Detailing the infeasibility of every possible alternative would risk making trivial the environmental inquiry NEPA intends (Vermont Yankee Nuclear Power Corp. v. Natural Resource Defense Council, 435 U.S. 519 (1978)).

The planning regulations (36 CFR 219.1 (a)) state that "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." Net public benefits include all outputs and effects, both positive and negative values that cannot be quantitatively valued, and, therefore, require the decisionmaker to subjectively balance such benefits with costs with each other and with those that can be quantified. The planning regulations (36 CFR 219.12 (f)) state that "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 sections 219.13 through 219.27."

For purposes of NEPA compliance, the courts have established that an agency need only set forth those alternatives necessary to permit a "reasoned choice" (Friends of Endangered Species, Inc. v. Jantzen, 760 F.2d 976, 988 (9th Cir. 1985)). The NEPA does not require full discussion of land use alternatives whose implementation is remote or speculative. id.

Decision

After reviewing the record, I find that recreation and tourism were discussed and considered, and a separate alternative was not necessary to address these concerns. Alternative development was done in accordance with NEPA and other applicable laws, regulations, and policies. As discussed in the previous section, modifications to alternative 11 will better address concerns to tourism and recreation.

Wild Lands Recreation

You contend that, "[t]he Plan will result in significant reductions in options for wild lands recreation and nature-based and adventure tourism" (NOA, p. 2).

Discussion

You are concerned about significant reductions in options for wild lands recreation and nature-based adventure tourism and cite examples in the plan of semi-primitive non-motorized recreation opportunities going down (NOA, p. 2). As you state, the FEIS notes that these types of settings are expected to decrease under all alternatives analyzed (1997 ROD, p. 22), due in part to changing preferences, as well as emerging new market segments. The projected demands are diagramed in two figures in the FEIS (pp. 3-459 and 3-360, Figures 3-23 and 3-24). This will become more important as the character of the Forest changes over time.

However, while "primitive opportunities . . . will be reduced over time," they "are still expected to meet demand at the end of the decade for all alternatives" (FEIS, p. 3-142). In addition, "new recreation opportunities will be created in response to increased demand, especially to create additional Semi-primitive Motorized opportunities" (FEIS, p. 3-142). Mitigation for some of the effects to current recreational opportunities will include LUD standards and guidelines developed for each prescription. These, in combination with the "Forest-wide standards and guidelines (Forest Plan, Chapter 4) will be applied to ensure that appropriate recreation settings and opportunities are provided for a wide range of uses and activities" (FEIS, p. 3-147.)

Decision

After reviewing the record I find that the issue of semi-primitive non-motorized opportunities decreasing over time, was discussed in accordance with applicable laws, regulations, and policy. As in the previous sections, the modification of Alternative 11 (enclosed 1999 ROD) will better address concerns regarding "wild lands recreation and nature-based and adventure tourism."

Effects on Deer Habitat

You contend that, "[t]he Plan does not adequately protect the fish and deer habitat that provides a significant base for both consumptive and non-consumptive recreation and tourism uses of the Forest" (NOA, p. 3).

Discussion

To estimate effects to deer habitat, the Tongass National Forest developed a deer habitat capability model. A deer habitat capability model is a program to estimate maximum number of deer that can be supported by the amount and distribution of suitable habitat in an area. This model was tested with data from the Alaska Department of Fish and Game (ADFG) data. The estimates of deer habitat capability produced by this model were found to be consistent with "ADF&G hunter harvest data and winter deer densities reported elsewhere in North America" (FEIS, p. 3-367).

One of the overarching goals of the 1997 Forest Plan, relating to deer habitat, is to "maintain habitat capability sufficient to produce wildlife populations that support the use of wildlife resources for sport, subsistence, and recreational activities" (1997 Forest Plan, p. 2-5). No specific mitigation standards or guidelines for deer habitat protection were developed, since the management direction in each alternative protects deer habitat to some degree or another. Deer habitat and effects to habitat are discussed extensively in the FEIS (pp. 3-353, 3-365 to 3-379). It states "other than Alternative 1, Alternative 11 protects the most of the highest quality deer winter range, and ties for the 2nd highest rank in overall conservation of habitat quality from 1954 to 2095. Alternative 11 also maintains relatively high deer densities. These high scores are attributed to the 1,000-foot beach fringe, larger riparian reserves, large, medium, and small old-growth habitat reserves, and other large reserved areas" (FEIS, p. 3-369). The 1997 Forest Plan requires managers to "identify important deer winter range

before or as part of project analysis" and to "assure interdisciplinary involvement and consideration of deer winter range in project planning and in the environmental analysis process" (1997 Forest Plan, p. 4-111). Deer habitat is protected under a standard for wolf conservation, the 1997 Forest Plan protects 86 percent of high-value deer winter range and 83 percent of deer habitat capability (1997 ROD, p. 17). The plan also lists the following under habitat improvement projects: "Continue a young-growth management program to maintain, prolong, and/or improve understory forage production and to increase future old growth characteristics in young-growth timber stands for wildlife (deer, moose, black bear, and other species)" (1997 Forest Plan, p. 4-118).

As mentioned above, the management direction for each alternative in the 1997 Forest Plan, to some degree, provides protection of deer habitat; deer habitat is also protected under the standards and guidelines for wildlife. Similar to the protection measures for deer, fish habitat is protected through Forest-wide standards and guidelines. Forest-wide fish (FEIS, pp. 4-8 to 4-12) and riparian (FEIS, pp. 4-52 to 4-72) management direction applies to wherever land-disturbing activities are allowed. "Another decision was made to incorporate all the recommendations made in the Anadromous Fish Habitat Assessment (AFHA) report for additional protection, because AFHA is the most comprehensive and credible scientific review of the measures needed to protect fish habitat on the Tongass" (1997 ROD, p. 18).

One of the primary goals of formulating alternatives for forest plans, is "to provide adequate basis for identifying the alternative that comes nearest to maximizing net public benefits" (36 CFR 219.12 (f)). Net public benefits have been defined as "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" and ". . . the maximization of net public benefits . . . is consistent with the principles of multiple-use and sustained yield" (36 CFR 219.3). Given all considerations, including those listed above, the Regional Forester determined that "Alternative 11 currently provides the best strategy for maximizing net public benefits" (1997 ROD, p. 16).

Decision

After reviewing the record, I find that fish and wildlife were discussed and considered in accordance with NEPA and other applicable laws, regulations, and policies. However, I determined that there was a need to modify provisions of the 1997 Forest Plan to better provide protection for deer winter range and other wildlife needs. Specifically, I have added a deer habitat capability standard that extends timber harvest rotation from 100 to 200 years in Wildlife Analysis Areas where deer habitat capability is a concern relative to subsistence needs. Refer to enclosed 1999 ROD, Deer Winter Range and Fish Habitat sections.

Sincerely,

/s/ James R. Lyons

JAMES R. LYONS
Under Secretary,

*Natural Resources and
Environment*

*Enclosures:
List of Parties
1999 ROD*