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## Consistency with Other National Policies, Laws, and Authorities

The list of laws and policies provided here is not a complete list of all laws, regulations, Executive Orders, etc. that might apply to the Forest Plan Revision. In all cases the alternatives are consistent with national law, policy, and direction.

### Forest and Rangeland Renewable Resources Planning Act (RPA)

The 1982 National Forest Management Act (NFMA) regulation (36 CFR 219.12(f)(6)) require that at least one alternative be developed that responds to and incorporates the Resources Planning Act (RPA) Program's tentative resource objectives for each National Forest/Grassland as displayed in Regional Guides.

The Forest Service Strategic Plan (2000), in lieu of an RPA Program, was completed in accordance with the Government Performance Results Act (GPRA) and the Interior and Related Agencies Appropriations Act.

While Forest Plans should be consistent with the broad guidance provided in the Strategic plan and should consider the information provided by the RPA Assessment along with other available and relevant science, neither the Strategic Plan nor the Assessment contain recommended outputs that must be incorporated in specific Forest Plans.

### Government Performance Results Act (GPRA)—Forest Service Strategic Plan

The GPRA requires Federal agencies to prepare periodic strategic and annual performance plans, focusing on outcomes and results. The first Strategic Plan issued by the Forest Service in 1997 replaced the Agency's former strategic plan created under the RPA. This plan was updated in 2000.

The goals and objectives in the revised Forest Plan are consistent with the Forest Service Strategic Plan.

**Ecosystems Health** – The revised Forest Plan addresses ecosystem health in a variety of ways. It uses ecosystem management as the basic framework when developing management direction. Management activities are tailored to the capabilities and sensitivities of specific landscapes across the Forest. The revised Plan emphasizes vegetation and fuel treatments to move vegetation toward desired conditions in an environmentally sensitive manner. It includes standards and guidelines to protect, improve, and/or mitigate impacts to watersheds, riparian and aquatic habitats, and to threatened, endangered, and sensitive species habitats.

**Multiple Benefits to People** – The revised Forest Plan provides sustainable levels of economic contributions to communities and continuance of a variety of uses, while providing clean water, protections for at-risk ecosystems components, proper ecosystem functioning, and a broad spectrum of recreation uses.

**Scientific and Technical Assistance** – The revised Forest Plan is based on adaptive management, using monitoring and evaluation to enhance our understanding of the resources. Monitoring and evaluation provide an avenue for incorporating new information and obtaining technical assistance on management problems. Monitoring and evaluation give us an indication of progress toward desired conditions. As scientific and technological changes take place, there may be changes to monitoring and evaluation methods that allow us to measure progress in new ways. Monitoring is a tool, while desired conditions are the objective. I fully anticipate advances in technology and research findings to change our understanding of indicators monitored and methods used.

**Effective Public Service** – The revised Forest Plan was developed in response to comments from the public regarding management of the Chequamegon-Nicolet National Forests, as well as in response to results of monitoring and evaluation of implementation of the 1986 Forest Plans. The revised Plan provides for human uses of the environment as well as preserving much of the inherent “wildness” of some areas on the Forests. Forest Plan goals and objectives emphasize cooperation and coordination with other interested parties in management of the natural resources on the Forests.

### **Healthy Forest Restoration Act—Healthy Forests Initiative (HFI) National Fire Plan (NFP)**

In August, 2002, the President announced a series of new administrative steps referred to as the HFI to reduce the threat of catastrophic wildfires and improve the health of our nation’s forests.

These actions will reduce red tape and delays in reduction of devastating fires and insect infestations that damage both public and private lands. The new procedures will ensure that needed environmental reviews and public review processes are conducted in the most efficient and effective way possible.

The NFP is a long-term investment that will help protect communities and natural resources, and most importantly, the lives of firefighters and the public. The NFP is a key component of the HFI. It is a long-term commitment based on cooperation and communication among Federal agencies, States, local governments, tribes, and interested publics. Federal wildland fire management agencies worked closely with the partners to prepare a 10-year Comprehensive Strategy, completed in August 2001.

The revised Forest Plan provides direction that implements the NFP by applying broader uses of prescribed fire.

This decision is consistent with the Healthy Forest Restoration Act as old growth areas are identified and protected. This decision continues vegetation management activities to restore and enhance a healthy forest.

### **National Energy Policy (Executive Order 13212)**

In May 2001, Executive Order 13212 was signed to expedite the processing of energy-related projects. The National Energy Plan was developed to implement the Executive Order. The Plan Revision Team validated that no additional utility corridors are planned by local utility companies across the Forests. Existing corridors are displayed on maps in the planning record. It is my determination that the revised Plan is in compliance with Executive Order 13212.

### **Transportation Rule and Policy**

On January 12, 2001, the Chief of the Forest Service signed the Administration of the Forest Development Transportation System; Prohibitions; Use of Motor Vehicles Off Forest Service Roads (Transportation Rule), and Forest Service Transportation, Final Administrative Policy (Transportation Policy). The Transportation Rule and Policy provide guidance for transportation analysis; they do not dictate or adopt land management decisions.

The transportation Rule requires the Forest Service to identify a minimum road system, determining which roads are needed (classified) and which roads are unneeded

(unclassified). Decisions are to be accomplished through area/project planning and documented through NEPA process, including full public participation.

Beginning on January 12, 2002, the Transportation Policy requires that a roads analysis (watershed or project-area scale) be prepared before most road management decisions are made to inform those decisions to construct or reconstruct roads. This roads analysis is not a formal decision-making process. Road management decisions are made through the NEPA process with full public and tribal participation and involvement.

The *Roads Analysis, Chequamegon-Nicolet National Forest* was completed in December, 2002. As required by the Transportation Policy the information in that analysis has been used to inform my decision.

## National Environmental Policy Act (NEPA)

The revised Forest Plan will provide management direction for the Chequamegon-Nicolet National Forests for the next 10-15 years. The Final Environmental Impact Statement (FEIS) discloses the effects for a range of alternatives addressing the issues associated with the need for change, including a No Action Alternative, Alternative 1. The FEIS considered effects to the significant issues and other resources over the planning period and projected over the next 100 to 150 years, depending on the resource area.

Decisions made in the revised Forest Plan do not represent irreversible or irretrievable commitment of resources. Actions that would disturb Forest resources cannot occur without further environmental analysis, public involvement, and a decision document, therefore this revised Forest Plan does not result in a commitment of resources.

During project implementation the application of standards and guidelines limit the extent and duration of any adverse environmental impacts associated with management activities proposed under the guidance of this revised Forest Plan. For a detailed discussion of effects see Chapter 3 of the FEIS.

## Environmentally Preferable Alternative

Regulations implementing NEPA require the specification of "...the alternative or alternatives which were considered to be environmentally preferable" (40 CFR 1505.2(b)). The Council on Environmental Quality defined the "environmentally preferable" alternatives as

*"...the alternatives that will promote the national environmental policy as expressed in NEPA's section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources."*

Based on the analysis of effects contained in the FEIS, Alternatives 3 and 4 are the environmentally preferable alternatives, each for its own reasons. Alternative 3 would accomplish the greatest level of ecological restoration within a broad array of forest systems over the long-term than any of the other alternatives. This Alternative also has the second highest allocation of acreage to management areas protected from disturbance. Alternative 4 would provide the highest level of protection from disturbance. It has the least amount of timber harvest, the least amount of new ATV trail (zero miles), and the most allocation of forest acreage to areas protected from

disturbance, including areas recommended as Wilderness Study Areas and SPNM areas not managed for timber. Alternative 4 ranks second with regard to ecological restoration across a wide array of ecosystems.

Although Alternatives 3 and 4 are preferable from the standpoint of the physical and biological environment and are most responsive to the ecological issues raised in the need for change identified in the Notice of Intent to revise these Plans, they provide simplistic resolution to the socio-economic issues. Forest management is complex. Use and protection of biological resources and physical resources must mesh with social and economic well-being. I believe that the Selected Alternative addresses this complexity and provides a better balance among social, economic, physical, and biological aspects of the environment.

I believe the Selected Alternative incorporates the best of the ecological management changes of Alternatives 3 and 4. The Selected Alternative sufficiently shifts management of the Chequamegon and Nicolet National Forests in an ecological direction that provides for and contributes to species viability and diversity. I also believe the Selected Alternative is a more balanced consideration of the socioeconomic issues of long established human use and sense of place associated with these forests – issues of long-term reduction in aspen habitat and potential reductions in populations of associated game species, issues surrounding the level of timber production important to local communities, and the relative opportunities for motorized and non-motorized recreation.

Monitoring and evaluation of the effects of the changes I have made, over time, will guide the Forests to determine if there is need for any further long-term ecological shifts in forest management. Until such a need is identified, the information I have indicates the Selected Alternative is the appropriate management balance for these Forests to provide the highest net benefit to the public over the long-term.

### **Forest and Rangeland Renewable Resources Planning Act as Amended by the National Forest Management Act**

When the Chequamegon-Nicolet National Forests began this revision effort in June 1996, the Agency's 1982 planning regulations were in effect. On November 9, 2000 a new planning rule was adopted. This new rule permitted ongoing revisions to be completed under the 1982 rule if the revision had begun before the 2000 rule was issued. The Chequamegon-Nicolet National Forests revision effort met this criterion and has proceeded under the 1982 planning regulations.

### **Net Public Benefit (NPB)**

Forest Plans are supposed to "...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" [36 CFR 219.1(a)]. Net public benefits can be defined as the overall value to the Nation of all outputs (benefits) and positive effects, less all associated inputs (costs) and negative effects, whether they can be quantitatively valued or not.

## Present Net Value (PNV)

Part of determining net public benefits is determining the Present Net Value, which is used in the determination of economic efficiency of each alternative. A comparison of the alternatives' PNVs is shown in Table 5.

<b>Table 5. Present Net Value by Alternative</b>	
<b>Alternative</b>	<b>Economic Efficiency PNV</b>
Alternative 1	\$ 2.653 billion
Alternative 2	\$ 2.567 billion
Alternative 3	\$ 2.591 billion
Alternative 4	\$ 2.596 billion
Alternative 5	\$ 2.587 billion
Alternative 6	\$ 2.585 billion
Alternative 7	\$ 2.590 billion
Alternative 9	\$ 2.566 billion
Selected Alternative	\$ 2.575 billion

As shown above, all alternatives except Alternatives 2 and 9, have higher PNVs than the Selected Alternative (revised Forest Plan). The differences among these PNV's were based primarily on differences in the alternatives' timber programs, and some differences in estimated recreation activity. The values considered in the PNV calculations are those that either have a market value, or that have assigned values based on estimates of Forest Service research.

Determining the alternative that "...maximizes long term public benefits..." goes beyond this comparison of costs, market values, and amenities with readily assigned values. This determination considers such elements as balancing the ATV policies on these two Forests, responding to scientific information that demonstrates the need to shift management emphasis in order to maintain biological diversity and ensure species viability, and lessening the conflicts between motorized and non-motorized recreational opportunities. Since PNV does not include these sorts of non-priced benefits, it was not my only criterion used in my decision.

Based on the preceding discussion, it is clear that the revised Forest Plan (Selected Alternative) does not have the least impact on the environment, nor does it generate the most market value commodities and amenities. However, I believe it does best balance the maintenance of high values of the elements considered in economic efficiency, and of the non-priced benefits that are a critical part of the need for change in these Plans.

I am confident that the management direction contained in the revised Forest Plan is within the physical and biological capability of the land, and can be accomplished without a reduction of that capability.

## Environmental Justice (Executive Order 12898)

Executive Order 12898 (59 Federal Register 7629, 1994) directs federal agencies to identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

I have determined, from the analysis disclosed in the FEIS that the revised Forest Plan is in compliance with Executive Order 12898.

### **Endangered Species Act (ESA)**

The Endangered Species Act creates an affirmative obligation "...that all Federal departments and agencies shall seek to conserve endangered and threatened (and proposed) species" of fish, wildlife, and plants. This obligation is further clarified in the national Interagency memorandum of Agreement (dated August 30, 2000) which states our shared mission to "...enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources."

Based upon my consultation with the USFWS, their concurrence with our Biological Assessment, and my commitment to meet obligations under ESA concerning conservation measures, reasonable and prudent measures, and terms and conditions, I have determined that the Revised Plan is in compliance with the ESA.

### **Migratory Bird Treaty Act (Executive Order 13186)**

The revised Forest Plan is a programmatic action and as such does not authorize any site-specific activity. It includes direction to improve structure, composition, and pattern of ecological systems distributed across the landscape to provide greater assurance of ecosystems sustainability, and species diversity and viability (revised Forest Plan, Chapters 1, 2, and 3). Potential impacts to habitat from proposed vegetation treatments will be analyzed at the site-specific project level. I have determined that the management direction and monitoring plan of the revised Forest Plan are in compliance with the Migratory Bird Treaty Act and Executive Order 13186.

### **Clean Air Act**

The revised Forest Plan is a programmatic action and does not authorize any site-specific activity. Some prescribed burning may occur during implementation of the revised Forest Plan. According to analysis disclosed in the FEIS, all alternatives are expected to meet air quality standards. Potential impacts will be analyzed at the project level, and will comply with appropriate air quality regulations. The revised Forest Plan protects air quality and complies with the rules, regulations, and permit procedures of the EPA. I have determined that the revised Forest Plan will comply with the provisions of the Clean Air Act.

### **National Historic Preservation Act (NHPA)**

The revised Forest Plan is a programmatic action and does not authorize any site-specific activity. Projects undertaken in response to direction of the revised Forest Plan will fully comply with the laws and regulations that ensure protection of cultural resources. The revised Forest Plan contains direction for cultural resource management including direction to integrate cultural resource management with other resource management activities.

Several other laws apply to the preservation of cultural resources on federal land. Since the revised Forest Plan does not authorize ground-disturbing activities, consultation with the Wisconsin State Historic Preservation Offices (SHPO) under the NHPA is not required. Tribal consultation has occurred during the development of this revised Forest Plan.



It is my determination that the revised Forest Plan complies with the NHPA and other statutes that pertain to the protection of cultural resources.

### **Clean Water Act**

The objective of the Clean Water Act is to “...restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” One of the Act’s goals is to “...provide for the protection and propagation of fish, shellfish, and wildlife” and provide for “...recreation in and on the water” (33 U.S.C. 466 et seq., Title I, Section 101). Based on analysis disclosed in the FEIS, the revised Forest Plan satisfies the Clean Water Act.

The revised Forest Plan contains management direction to ensure management activities maintain or improve watershed conditions. Management direction including best management practices is designed to maintain or improve soil, water, riparian, wetland, and aquatic resources, including beneficial uses. Cumulatively this direction will ensure continued compliance with the Clean Water Act.

### **Energy Requirement and Conservation Potential**

The revised Forest Plan is a programmatic action and does not authorize any site-specific activity. Because the scope of the proposed action is limited both in terms of geographic area and extent of activities, the FEIS explains that the revised Plan will have little or no effect on current local energy use and offers no opportunity for energy conservation.

### **Invasive Species (Executive Order 13112)**

The revised Forest Plan is a programmatic action and does not authorize any site-specific activity. Executive Order 13112 on Invasive Species directs that Federal agencies should not authorize any activities that would increase the spread of invasive species. The revised Forest Plan includes direction designed to limit the spread of invasive species. Therefore I have determined the revised Forest Plan is in compliance with E.O. 13112.

### **Prime Farmland, Rangeland and Forestland (Secretary of Agriculture’s Memorandum # 1827)**

The revised Forest Plan complies with the Secretary of Agriculture’s Memorandum #1827, which requires conservation of prime farmland, rangeland, and forestland. This revised Plan manages the Forest with sensitivity toward adjacent private and public land uses. It includes guidance to cooperate and coordinate with adjacent and surrounding landowners when conducting management activities on the Forest to minimize impacts on their management.

### **Wetlands and Floodplains**

The revised Forest Plan is a programmatic action and does not authorize any site-specific activity. It contains direction for improvements to riparian and wetland areas, contains standards and guidelines providing protection for them, and describes the long-term desired conditions for such areas. Therefore, I have determined that the revised Forest Plan will not have any adverse impacts on wetlands and floodplains.

### **Equal Employment Opportunity, Effects on Minorities and Women**

The FEIS describes the impacts to social and economic factors in Chapter 3. The revised Forest Plan will not have a disproportionate impact on any minority or low-income communities. I have determined that the revised Forest Plan will not differentially affect the Civil Rights of any citizens, including women and minorities.

### **Government-to-Government Relations with Native American Tribal Government, 1994.**

These policies support the Forest Service actions in establishing mutual and beneficial partnerships with American Indians and Alaska Natives and honoring treaty obligations. Forest Service policy is recorded in FSM 1563.

### **Other Policies**

The existing body of national direction for managing National Forests remains in effect. Standards and guidelines included in the revised Forest Plan provide direction specific to the Chequamegon-Nicolet National Forests. The revised Forest Plan provides direction contributing to the Forest Service Strategic Plan (2000 revision).