



USDA Forest Service Region 5

Discussions with California Counties to Discuss National Land Management Planning Rule Update Process

Summary of Input Received at Regional Council of Rural Counties Board Meeting and from Webinar/Conference Call

REVISED VERSION

April 30, 2010

Summary Report Prepared By:



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Overview:

On April 6, 2010, four individual roundtable meetings were held throughout Region 5 of the National Forest Service. These meetings were divided into two sessions: an in-depth planning discussion in the afternoon and a large-group discussion in the evening. The goal of the roundtables was to provide interested parties with an opportunity to provide concerns, comments, and recommendations for consideration by the National Forest Service as they undertake an update to the National Forest Service Planning Rule.

With the roundtable meetings being held on a Tuesday, many county supervisors were unable to participate due to the fact that many boards of supervisors hold their meetings on Tuesday. Thus, in order to provide an additional opportunity for interested county elected officials and staff to hear the Forest Service's presentation and to provide input, Forest Service staff worked with both the Regional Council of Rural Counties (RCRC) and the California State Association of Counties (CSAC) to attend the RCRC's board meeting on April 21, 2010 as well as host a conference call/webinar on April 22, 2010.

This document provides a summary of the input received at both the board meeting and on the conference call.

April 21, 2010 Regional Council of Rural Counties Board Meeting:

Jim Pena, Deputy Regional Forester, and Ron Pugh, Deputy Director, Ecosystem Planning, attended the meeting on behalf of Region 5 Forest Service and the following summary of input received was prepared by Mr. Pugh. Specific comments presented at the meeting by Colusa County Supervisor, Gary Evans are included as Attachment 1.

- There is a concern that national organizations or groups get more weight than local groups and county government...there should be a level playing field.
- There is a perception that a 'selected alternative' is a new alternative that people don't have a chance to comment on. Don't like a hybrid alternative developed from the range as a final decision alternative.
- Coordination as it is currently being done is not working. Counties favor the BLM coordination language from FLPMA.
- Wilderness – concern that proposed wilderness is on the books too long. There should be a time limit on proposals so that if Congress does not act on the recommendation in specified period of time the area would be released from proposed wilderness.

- Wilderness designation language or even the new rule should have language that enables fuel treatments. Current rules ‘handcuff’ managers from doing vegetative work that is needed for community protection and forest health.
- Suggested that the rule include a process for the designation of an ‘impartial’ decision maker.
- Analytical requirements need to recognize the difference between local and national level issues. More local ‘voice’ is needed in planning decision making process.
- Timeliness of process. Specific timelines should be required and adhered to so that decisions are not drawn out for years in process.
- Administrative Facilities – the region moved a District Office out of a small rural community and the effects of that decision are ongoing and devastating to the economy of the community.
- Planning rule and forest plans should recognize and speak to the maintenance requirements for the infrastructure that supports public use and administration of the forests.
- Sustainable forests and local economies should be the #1 principle addressed in the planning rule.
- We need to have more people visible to the public on the ground to enforce the rules.
- Managers should be required to live on or near the forest they are managing.
- All information from all the roundtables should be sent to Washington including flip charts, notes, maps or whatever else is generated from the meetings.
- Counties want to be involved “at a higher level” of engagement than the general public – along the lines of tribal consultation...easy access for engagement in the process – clearly see that they have been heard (and listened to). Many commissioners feel that we listen to the tribes but we don’t listen to them.
- Planning rule should speak to the period of time required to make a decision – recommended Wilderness for example similar to the comment above.
- Planning rule should speak to cooperative agreements for planning elevating the status of county officials.
- Define all the terms we are using and the source the definition is drawn from. We heard this comment several times.

- Defining a mechanism that enables effective coordination (Forest Service with counties and counties with Forest Service) is extremely important to the commissioners.

April 22, 2010 Conference Call/Webinar:

The webinar/conference call was convened by the Forest Service with the assistance of both RCRC and CSAC and was intended to:

1. Share Perspectives on What the New Planning Rule Should Include; and
2. Discuss Key Issues related to Proposed Planning Principles.

For those that were able to access a computer during the call, a powerpoint presentation was given to provide an overview of the process being taken to update the National Planning Rule. The presentation was made available to all participants prior to the call as well. The conference call agenda included a welcome and introduction from Randy Moore, Regional Forester, followed by a presentation by Ron Pugh, Region 5 Deputy Director of Planning, entitled "Planning Rule Definition and Collaborative Process Overview". Following the presentation, Austin McInerny, Center for Collaborative Policy, facilitated a question and answer session and discussion on the proposed principles for the updated planning rule.

The participating parties are listed at the end of this document.

Conference Call Summary:

Mr. McInerny briefly welcomed participants and reviewed the agenda and protocols for asking questions during the Webinar.

Randy Moore, Regional Forester thanked both RCRC and CSAC for helping facilitate participation in the call, especially since the in-person roundtable meetings were held on a Tuesday, precluding some counties from being able to participate. Mr. Moore acknowledged that there were approximately 500 in attendance at the Roundtable meetings held on April 6. The feedback provided by the counties today will be incorporated and forwarded to the National Rule Writing Team. He also noted that Jim Pena, Deputy Regional Forester and Ron Pugh, Deputy Director of Ecosystem Planning, attended the RCRC board meeting, held on April 21.

Mr. Moore continued that the Forest Service is engaging more of the public in the process now to help develop the updated National Planning Rule. He wants the counties to provide feedback on how the Forest Service can improve and do a better job. He welcomes specific suggestions.

Mr. Pugh walked participants through a slideshow presentation describing the timeframe for updating the national planning rule and the difference between the national planning rule update and individual forest plan updates.

Following Mr. Pugh's presentation, the facilitator asked for input on what issues and concerns would county officials and staff like the rule writing team to consider as it develops the new planning rule? The following section summarizes the input received.

Comments, Questions and Answers:

Question: I am in favor of having recreation and utilization of forest material as two separate principles and to seeing a clear definition of what is meant by "restoration".

Answer: The Forest Service needs to look at opportunities to be resilient with forest ecosystems. Also, there should be a common definition of key terms such as restoration.

Question: Will the Planning Rule contain a process to deal with conflicting policies between jurisdictions e.g. what the county has to do in compliance with State air quality standards vs. USFS' treatment utilizing control burns and its impact on the State standards that the County needs to meet?

Answer: We will operate within the legal and regulatory requirements and those will likely stay the same.

Question: Last October Mr. Moore discussed coordination with local government, but there still seem to be no legal avenues to pursue that. Can this planning rule update include language similar to the Bureau of Land Management (BLM) so there is legal requirement for coordination? Would you advocate for this to be in the planning rule?

Answer: The Forest Service is considering a Memorandum of Understanding (MOU) with CSAC and RCRC at a minimum. We will consider this as an option among others for the Planning Rule update.

Question: There have been many actions taken by the Forest Service on the Inyo National Forest. Are these past decisions going to be looked at as a part of this process? For example, roads have been closed and this has had a negative social and economic affect on the community. Will these past decisions be reconsidered? Can we have adaptive management? An example includes the closing a stream because of harmful effects from jeep crossing. Instead of considering how to restore it or bring the users in to work on solutions other than complete closure, the Forest Service just closed the area.

Answer: During the Forest Service local planning process, those decisions would be on the table. As to adaptive management, it is something the Forest Service is supportive of in the planning process. As to specific forest plans, that is a decision of the local forest. How forest plans are managed should encourage local users and stakeholders to develop management options.

Question: is there any one from the national office on this call?

Answer: No, there is no staff from the national office on the call, however, Ron Pugh and the Center for Collaborative Policy will complete a summary of the conference call and forward them to the national office and Rule Writing Team.

Question: What is the Forest Service's definition of collaboration vs. coordination vs. consultation vs. cooperation?

Answer: Collaboration is talking to all the people and getting input. We want to work with people to understand the issues and possible solutions. Collaboration is not consensus – we know not everyone is in agreement. The 1982 Rule requires coordination with other plans and agencies. From the feedback the counties are giving us, we understand that the counties want more of an elevated standing – akin to “cooperating agency” and that the BLM’s approach to working with local governments is a good starting point.

Comment: Analytical thresholds, scientific data and other issues need to be thoroughly dealt with in the procedural requirements of the planning regulation.

Question: Please define the “all-lands” approach. Our concern is that the intent is to impose Forest Service values on neighboring communities. We feel that rather than have the Forest Service influence policy, the local community should do that.

Answer: We don’t expect to dictate policy to lands outside of the Forest Service boundaries. However, the “all-lands” approach is to look at the entire watershed within which each national forest resides. What we know is that it is difficult to change things by only looking at Forest Service lands. In order to move to a healthier condition we need to analyze all the lands and work with those other land managers to try and improve that landscape. The “all-lands” approach without a formal coordination process will not be successful, so that will be considered critical.

Question: How will collaborations occur with county owned facilities located within the National Forest lands?

Answer: We will follow process embodied in the rule and look at the analytical requirements and specific issues that may be related to that. The local forest plan revision process would be the best opportunity to address all local facility specific issues.

Question: What about measurements related to forest health and existing legislation such as the Healthy Forest Act? The planning rule should be consistent with this Act. There should be a definition of what a healthy forest is in the rule. If we want to include data related to climate change, etc would we need to ask for that in the planning rule?

Answer: The Forest Service refers to peer reviewed scientific literature and data when planning management changes. The planning rule requires a thorough literature review, the use of best available science, and gathering feedback on that data as a part of the enhanced collaborative process. Defining terms (healthy forests, climate change, etc) is an important part of the process moving forward so we will submit that comment to the Rule Writing team.

Comment: The Forest Service needs to look at economic impacts on rural communities that may result from any future actions. This should be included in Principle 5.

Question: What is the Forest Service's definition of restoration? Does it have a temporal component (i.e., pre-man, pre-European, or some other timeframe)?

Answer: That is another term that should be defined more clearly so as to avoid any confusion in the future.

Question: We would like to see specific coordination with local government included in the planning rule. Where do you see government to government coordination? This level of coordination is required by federal law, but did not appear in the slideshow?

Answer: will make sure the coordination is outlined more specifically in the updated planning rule. Counties are looking for assurance (in the rule) that collaboration is not used as a mask for coordination. These are two different processes.

Mr. Pena asked the counties what “coordination” looks like and the counties agreed that they view it as similar to the tribal coordination that is currently undertaken.

Question: In Trinity County, we are updating our general plan and require as part of the safety element, fuel clean up standards for protection from wildfire. We assume the planning rule will strive for consistency with our general plan. Is that the case?

Answer: The expectation is that the management objectives would be consistent in the wildland urban interface (WUI) and work with community defense plans. That is also done at the local forest service plan level.

Mr. Pena followed up by asking how the planning rule could define that more specifically. The counties suggested that local plans and Forest Service plans be consistent, especially since the local plans have used “best available” science to develop fuel loading standards among other things.

Question: As we collaborate with neighboring homeowners and public, can we request that we create "Fire-adapted Communities" by creating defensible space in the WUI? Is there an opportunity to have our local community wildfire protection plan (CWPP) exempt from NEPA?

Answer: That is best addressed at local plan revision level. However, language in the planning rule that allows coordination with counties and communities will be important. The NEPA exemption may be beyond the scope of the planning rule.

Question: Are we currently operating under the 1982 National Planning Rule?

Answer: Technically the 1982 rule is not in existence, but the 2000 rule allows for the 1982 planning procedures to be used.

Comment: Recreation is important and a vital use of Forest Service lands. It should be considered as its own principle. Timber, mining, etc. should be embodied in principles and maybe stand alone as well.

Comment: The rule should incorporate a dispute resolution mechanism in the case that the county and Forest Service can not agree.

Comment: There is consensus that counties need to have formal coordination and fire issues need to be highlighted. In one county, there is a proposed national monument on Forest Service land that has caused a lot of misunderstanding and panic. Coordination at the local level should happen early to avoid that misunderstanding. Similarly, another county has the Bishop Paiute tribe and there were significant problems with tribal gathering areas being closed as a part of the travel management plans being updated. Communication early and getting input in a meaningful way would help avoid problems like that in the future.

Comment: The stakeholder process is valuable, but has tended to favor special interests groups due to threats of appeal and litigation. Counties participation should be more important. Supervisors are elected; therefore we represent stakeholders. A copy of the notes from this call should be made available.

Conclusion:

Mr. Moore thanked the counties again for all the comments. He noted that the Forest Service would not schedule any Tuesday meetings in the future. He also acknowledged that the counties want to have more formal coordination.

Mr. Pugh followed up that RCRC and any interested party may submit comments directly into the National Planning Rule blog (<http://blogs.usda.gov/usdablogs/planningrule/>) and that the Forest Service and CCP will work with RCRC and CSAC to get the notes from both the RCRC board meeting and conference call out to interested parties.

Conference Call Participants:

Forest Service Staff:

Randy Moore (Regional Forester), Jim Pena (Deputy Regional Forester), Ron Pugh (Deputy Director, Ecosystem Planning), and Martha Maciel (Public Affairs & Communication, Sacramento)

Counties represented:

Amador, Butte, Del Norte, El Dorado, Glenn, Inyo, Madera, Mono, Plumas, San Bernardino, Santa Barbara, Shasta, Siskiyou, Solano, Trinity, Tuolumne and Ventura. Also participating were representatives from Regional Council of Rural Counties and California State Association of Counties

Facilitation Staff (Center for Collaborative Policy):

Austin McInerney and Heidi Hill-Drum

ATTACHMENT 1:

Comments Submitted By: Gary Evans, County Supervisor, Colusa County

NOI Item Number 1

1. The rule should enable the identification and establishment of Ecological Processes that would address;
 - Restoration
 - Fire Suppression/Fuels management
 - Fuel Management/Habitat Management
 - Prescribed Fire
 - Logging/Mechanical treatment
 - Grazing

All of which will require:

Infrastructure to do business – funding required to address

- Maintenance (funding) for
 - Roads
 - Fuel Breaks
 - Water Sources
 - Fencing

Which will provide for:

- Public Use
 - _ recreating public
 - Local economic support (contributes to principle 5)
- Local Jobs
 - Funded from maintenance \$
- Watershed Health (Principle 3)
 - Maintenance of fuel breaks
 - Fuel/Habitat Management
 - Aid in preventing wild fires from becoming of catastrophic size and loss of entire watershed ecosystems.

NOI Item 2 – Climate change

No climate change assumptions should be used. If they are, the (quality Act of 2001) must be adhered to with those assumptions viewed objectively as opposed to being negative in nature.

NOI Item 3

10Yes, with watershed sizes generally being smaller than 30 – 50,000 acres at least in Region 5. Probably would not work for Everglades or Grand Canyon etc. (back to more local control)

NOI Item 4 –

It needs to be understood. Plans cannot provide for diversity, climate and geography are the primary factors that intentionally limit plan and animal diversity. Don't play God!

NOI Item 5 (See Item 1)

The planning rule should be very vague and not discuss specific uses, places, access, facilities or services. These should be moved down to at least the Regional Level.

NOI Item 6 –

There should be different levels of (Stakeholders) i.e.: a local county or individual in-holder (landowner) should have a greater weighted avg. given to their comments as opposed to an individual or NPO that does not live or govern in the forest/watershed in question.

NOI Item 7 –

In an all land watershed approach it would be helpful to review the process of getting local landowner approval for prescribed fire that may cross onto private lands. The permission for is very onerous for landowners.