



United States
Department of
Agriculture

Forest Service

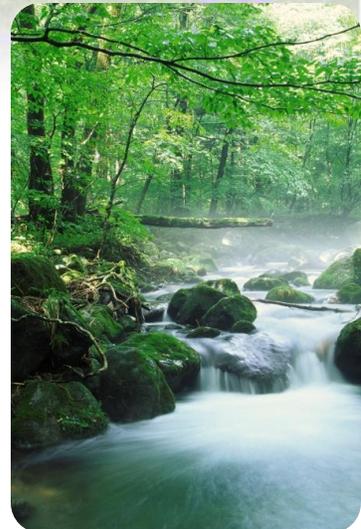
February 2011



DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT APPENDICES

National Forest System Land Management Planning

UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE



APPENDICES

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APPENDIX A – PROPOSED PLANNING RULE

This is a pre-publication version of the proposed planning rule. There is a possibility of minor editorial differences from the published *Federal Register* copy.

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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 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 uses, including ecosystem services, 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 objective of this part is to guide the collaborative and science-based development, amendment, and revision of land management plans that promote healthy, resilient, diverse, and productive national forests and grasslands. Plans will guide management of NFS lands so that they are ecologically sustainable and contribute to social and economic sustainability, with resilient ecosystems and watersheds, diverse plant and animal communities, and the capacity to provide people and communities with a range of social, economic, and ecological benefits for the present and into the future, including clean water; habitat for fish, wildlife, and plant communities; and opportunities for recreational, spiritual, educational, and cultural sustenance.

(d) The Chief of the Forest Service must establish planning procedures for this part on plan development, plan amendment, or plan revision 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.

(e) This part does not affect treaty rights or valid existing rights established by statute or legal instruments.

(f) 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.

(g) 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.

§ 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 Act of 1993 (5 U.S.C. 306; 31 U.S.C. 1115–1119; 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, revision, or amendment 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 unit is best suited, considering the Agency mission, 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. However, a plan may constrain the Agency from authorizing or carrying out actions, and 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, Code of Federal Regulations, Part 261—Prohibitions, Subpart B—Prohibitions in Areas Designated by Order, 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 from the Forest Service Directive System.

(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, 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.

(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 take into account the best available scientific information throughout the planning process identified in this subpart. In doing so, the responsible official shall determine what information is the most accurate, reliable, and relevant to a particular decision or action. The responsible official shall document this consideration in every assessment report (§ 219.6), plan decision document (§ 219.14), and monitoring evaluation report (§ 219.12). Such documentation must:

- (a) Identify sources of data, peer reviewed articles, scientific assessments, or other scientific information relevant to the issues being considered;
- (b) Describe how the social, economic, and ecological sciences were identified and appropriately interpreted and applied; and
- (c) For the plan decision document, describe how scientific information was determined to be the most accurate, reliable, and relevant information available and how scientific findings or conclusions informed or were used to develop plan components and other content in the plan.

§ 219.4 REQUIREMENTS FOR PUBLIC PARTICIPATION.

(a) *Providing opportunities for participation.* 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. 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.

(1) *Scope, methods, and timing.* The responsible official shall provide opportunities 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

information. 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.

(2) *Participation opportunities for individual members of the public and entities.* The responsible official shall encourage participation by interested individuals and entities, including those interested at the local, regional, and national levels.

(3) *Participation opportunities for youth, low-income populations, and minority populations.* The responsible official shall encourage participation by youth, low-income populations, and minority populations.

(4) *Participation opportunities for private landowners.* The responsible official shall encourage participation by private landowners whose lands are in, adjacent to, or otherwise affected by, or whose actions may impact, future management actions in the plan area.

(5) *Consultation with federally recognized Indian Tribes and Alaska Native Corporations.* The Department recognizes the Federal Government's trust responsibility for 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 in accordance with Executive Order 13175 of November 6, 2000 and 25 U.S.C. 450 note.

(6) *Participation opportunities for federally recognized Indian Tribes and Alaska Native Corporations.* The responsible official shall encourage participation in the planning process by interested or affected federally recognized Indian Tribes or Alaska Native Corporations. The responsible official may participate in planning efforts of federally recognized Indian Tribes and Alaska Native Corporations, where practicable and appropriate.

(7) *Native knowledge, indigenous ecological knowledge, and land ethics.* As part of tribal participation and consultation as set forth in paragraphs (a)(5) and (6) of this section, the responsible official shall request information about native knowledge, land ethics, cultural issues, and sacred and culturally significant sites.

(8) *Participation opportunities for other Federal agencies, federally recognized Tribes, States, counties, and local governments.* The responsible official shall provide opportunities for other government agencies to participate in planning for NFS lands. Where appropriate, the responsible official shall encourage federally recognized Tribes, States, counties, and other local governments to seek cooperating agency status in the NEPA process for a plan development, amendment, or revision. The responsible official may participate in planning efforts of States, counties, local governments, and other Federal agencies, where practicable and appropriate.

(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, to the extent practicable and appropriate.

(2) For plan development or revision, the responsible official shall review the planning and land use policies of federally recognized Indian Tribes, 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 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.

(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 planning 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 and agile 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.* An assessment is the gathering and integrating of information relevant to the planning area from many sources and the analysis of that information to identify a need to change a plan or to inform how a new plan should be proposed (§ 219.6). 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 unit, in the context of the broader landscape. Based on the results of an assessment, the responsible official may identify a preliminary need to change a plan and begin a plan amendment, plan revision, or new plan development.

(2) *Plan development, plan revision, or plan amendment.* Plan revision (§ 219.7) or plan amendment (§ 219.13) begins with the identification of a preliminary need to change the

existing plan. For newly created planning units, the need for planning arises with the creation of the unit, unless otherwise provided by law.

(i) The process for developing or revising a plan includes: assessment, 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, and, finally, approving 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: identifying a need to change the plan, developing a proposed amendment, considering 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, approving the plan amendment. The appropriate NEPA documentation for an amendment may be an environmental impact statement (EIS), an environmental assessment (EA), or a categorical exclusion (CE), 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 unit-level and broader-scale monitoring. The unit-level monitoring program is informed by the assessment phase; developed during plan development, plan revision, or plan amendment; and implemented after plan approval. 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 unit monitoring programs.

§ 219.6 ASSESSMENTS.

Assessments may range from narrow in scope to comprehensive, depending on the issue or set of issues to be evaluated, and should consider relevant ecological, economic, and social conditions, trends, and sustainability within the context of the broader landscape. The responsible official has the discretion to determine the scope, scale, and timing of an assessment, subject to the requirements of this section.

(a) *Process for plan development or revision assessments.* One or more assessments must be conducted for the development of a new plan or for a plan revision. The responsible official shall:

(1) Notify and encourage the public and appropriate Federal agencies, States, local governments, other entities, and scientists to participate in the assessment process (§§ 219.4 and 219.16).

(2) Notify and encourage potentially interested or affected federally recognized Indian Tribes and Alaska Native Corporations to participate in the assessment process (§§ 219.4 and 219.16).

(3) Coordinate with the regional forester, Agency staff from State and Private Forestry and Research and Development, and other governmental and non-governmental partners to consolidate existing information and leverage resources for additional information needs.

(4) Document the assessment in a report or set of reports available to the public. Document in the report(s) how the relevant best available scientific information was taken into account (§ 219.3), and include the report(s) in the planning record (§ 219.14).

(5) Identify in the report how a new plan should be proposed, or identify a potential need to change an existing plan, based on the assessment.

(b) *Content of assessments for plan development or revision.* In the assessment(s) for plan development or revision, the responsible official shall:

(1) Identify and evaluate information needed to understand and assess existing and potential future conditions and stressors in order to inform and develop required plan components and other content in the plan (§ 219.7), including plan components for sustainability (§ 219.8), diversity of plant and animal communities (§ 219.9), multiple uses (§ 219.10), and timber requirements based on NFMA (§ 219.11).

(2) Identify and consider relevant information contained in governmental or non-governmental assessments, plans, monitoring evaluation reports, and studies, including relevant neighboring land management plans. Such documents 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, and State wildlife action plans. Relevant private information will be considered if voluntarily provided.

(3) Identify the distinctive roles and contributions of the unit within the context of the broader landscape, considering the roles of the unit in providing multiple uses, including ecosystem services, from the NFS lands to the local area, region, and Nation. The unit's distinctive roles and contributions within the broader landscape are those for which the unit is best suited, considering the Agency mission, unique capabilities, and the resources and management of other lands in the vicinity.

(4) Identify potential monitoring questions or information needs to inform the development or modification of the unit's monitoring program.

(c) *Plan amendment assessments.* (1) A plan amendment must be based on a documented need to change the plan. This documentation may be a new assessment; may be a monitoring report; or may be other documentation of new information, changed conditions, or changed circumstances. Where the responsible official determines that a new assessment is needed to inform the need for an amendment, the responsible official

has the discretion to determine the scope, scale, process, and content for the assessment depending on the issue or issues to be addressed.

(2) 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 documented need to change the plan.

§ 219.7 NEW PLAN DEVELOPMENT OR PLAN REVISION.

(a) *Plan revisions.* A plan revision creates a new plan for the entire unit, 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 (16 U.S.C. 1604(f)(5)). However, the responsible official has the discretion to determine at any time that conditions on a unit have changed significantly such that a plan must be revised. The responsible official shall base development of a proposal for plan revision on the preliminary need for change identified through the assessment process required by § 219.6.

(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 (§ 219.6), 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 phase.

(ii) Identify the presence and consider the importance of various physical, biological, social, and cultural resources on the unit, with respect to the requirements for plan components of §§ 219.8 through 219.11.

(iii) Consider conditions and trends and stressors, with respect to the requirements for plan components of §§ 219.8 through 219.11.

(iv) Identify potential wilderness areas and consider whether to recommend any such areas for wilderness designation.

(v) 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.

(vi) 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).

(vii) Identify the quantity of timber that can be removed from the plan area (§ 219.11(d)(4)).

(viii) Identify questions and indicators for the unit monitoring program (§ 219.12).

(ix) Identify potential other content in the plan (paragraph (e) of this section).

(d) *Plan components.* Plan components guide future project and activity decisionmaking. The plan must indicate where in the plan area specific plan components apply. Plan components may apply to the entire plan area, to specific management or geographic areas, or to other areas as identified in the plan. Every project and activity must be consistent with the applicable plan components (§ 219.15).

(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 intent of the guideline is met. (§ 219.15(d)(3)). Guidelines are established to help achieve a desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.

(v) *Suitability of lands.* Specific lands within a plan area may be identified as suitable for various multiple uses or activities based on the desired conditions applicable to that area. The plan may also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. Suitability does not need to be determined for every multiple use or activity, but every plan must identify those lands 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, and have no specific dates by which they are completed.

(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 uses (§ 219.10), and timber (§ 219.11).

(e) *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 unit's distinctive roles and contributions within the broader landscape (§ 219.6(b)(3));

(iii) Include the monitoring program required by § 219.12; and

(iv) Contain information reflecting proposed and possible actions that may occur on the unit during the life of the plan including the planned timber sale program; the expected timber harvest levels, as required by NFMA (16 U.S.C. 1604(f)(2)); and the proportion of probable methods of forest vegetation management practices expected to be used. 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 items, including potential management approaches or strategies; partnership opportunities or coordination activities; or criteria for priority areas or activities to achieve objectives of the plan.

§ 219.8 SUSTAINABILITY.

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

(a) *Ecological sustainability.* (1) *Ecosystem plan components.* The plan must include plan components to maintain or restore the structure, function, composition, and connectivity of healthy and resilient terrestrial and aquatic ecosystems and watersheds in the plan area, taking into account:

(i) Landscape-scale integration of terrestrial and aquatic ecosystems;

(ii) Potential system drivers, stressors, and disturbance regimes, including climate change; how they might affect ecosystem and watershed health and resilience; and the ability of those systems on the unit to adapt to change;

(iii) Air quality; and

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

(2) *Ecosystem elements.* The plan must include plan components to maintain, protect, or restore:

- (i) Aquatic elements, such as lakes, streams, wetlands, stream banks, and shorelines;
- (ii) Terrestrial elements, such as forest stands, grasslands, meadows, and other habitat types;
- (iii) Rare aquatic and terrestrial plant and animal communities, consistent with § 219.9;
- (iv) Public water supplies, sole source aquifers, source water protection areas, groundwater, and other bodies of water (including guidance to prevent or mitigate detrimental changes in quantity, quality, and availability, including temperature changes, blockages of water courses, and deposits of sediments); and
- (v) Soils and soil productivity (including guidance to reduce soil erosion and sedimentation).

(3) *Riparian areas.* The plan must include plan components to maintain, protect, or restore riparian areas. Plans must establish a default width for riparian areas around all lakes, perennial or intermittent streams, and open water wetlands, within which these plan components will apply. The default may be a standard width for all lakes, perennial or intermittent streams, and open water wetlands, or may vary based on ecologic or geomorphic factors, or the type of waterbody. The default width will apply unless the actual riparian area for a waterbody or a site has been delineated based on best available scientific information.

(b) *Social and economic sustainability.* The plan must include plan components to guide the unit's contribution to social and economic sustainability, taking into account:

- (1) Social, cultural, and economic conditions relevant to the area influenced by the plan and the distinctive roles and contributions of the unit within the broader landscape;
- (2) Sustainable recreational opportunities and uses;
- (3) Multiple uses, including ecosystem services, that contribute to local, regional, and national economies in a sustainable manner; and
- (4) Cultural and historic resources and uses.

§ 219.9 DIVERSITY OF PLANT AND ANIMAL COMMUNITIES.

Within Forest Service authority and consistent with the inherent capability of the plan area, the plan must include plan components to maintain the diversity of plant and animal communities, as follows:

(a) *Ecosystem Diversity.* The plan must include plan components to maintain or restore the structure, function, composition, and connectivity of healthy and resilient terrestrial and aquatic ecosystems and watersheds in the plan area, consistent with § 219.8(a), to maintain the diversity of native species.

(b) *Species Conservation.* The plan components must provide for the maintenance or restoration of ecological conditions in the plan area to:

- (1) Contribute to the recovery of threatened and endangered species;
 - (2) Conserve candidate species; and
 - (3) Maintain viable populations of species of conservation concern within the plan area. Where it is beyond the authority of the Forest Service or the inherent capability of the plan area to do so, the plan components must provide for the maintenance or restoration of ecological conditions to contribute to the extent practicable to maintaining a viable population of a species within its range. When developing 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 where the population exists.
- (c) *Diversity of tree and other plant species.* The plan must include plan components to preserve, where appropriate, and to the degree practicable, the diversity of native tree and other native plant species similar to that existing in the plan area, as required by NFMA (16 U.S.C. 1604(g)(3)(B)).

§ 219.10 MULTIPLE USES.

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

- (a) *Integrated resource management.* 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, recreational values and settings, riparian areas, scenery, soil, surface and subsurface water quality, timber, trails, vegetation, viewsheds, wilderness, and other relevant resources;
 - (2) Renewable and nonrenewable energy and mineral resources;
 - (3) 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, such as species that are hunted, fished, trapped, gathered, observed, or needed for subsistence;
 - (6) The landscape-scale context for management as identified in the assessment;

- (7) Land ownership and access patterns relative to the plan area;
- (8) Reasonably foreseeable risks to ecological, social, and economic sustainability; and
- (9) Potential impacts of climate and other system drivers, stressors and disturbance regimes, such as wildland fire, invasive species, and human-induced stressors, on the unit's resources (§ 219.8).

(b) *Requirements for plan components for a new plan or plan revision.* (1) The plan components for a new plan or plan revision must provide for:

(i) Sustainable recreation, considering opportunities and access for a range of uses. The plan should identify recreational settings and desired conditions for scenic landscape character.

(ii) Protection of cultural and historic resources;

(iii) Management of areas of tribal importance;

(iv) Protection of wilderness areas as well as the protection of recommended wilderness areas to protect the ecologic and social values and character for which they might be added to the National Wilderness System;

(v) Protection of wild and scenic rivers as well as the protection of those rivers eligible for inclusion in the national wild and scenic river system to protect the values for which they might be included in the system until their suitability is determined; and

(vi) Protection and appropriate management of other designated or recommended areas that exist in the plan area, including research natural areas.

(2) Other plan components for integrated resource management to provide for multiple uses that should be included as necessary.

§ 219.11 TIMBER REQUIREMENTS BASED ON NFMA.

In meeting the requirements of §§ 219.8 through 219.10 and within Forest Service authority, the capability of the plan area, and the fiscal capability of the unit, the plan must provide for multiple uses and ecosystem services, including timber, as follows:

(a) *Identification of lands as not suitable and suitable for timber production.* (1) *Lands not suitable for timber production.* The responsible official may determine, considering physical, economic, and other pertinent factors, that lands are not suitable for timber production. On lands so designated, timber harvest, other than salvage sales or sales necessary to protect other multiple-use values, shall be prohibited for a period of 10 years. In addition, the plan must identify lands within the plan area as not suitable 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 of the Forest Service has withdrawn the land from timber production;
- (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 or substantial and permanent impairment of the productivity of the land;
- (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 as defined at § 219.19.

(2) *Lands suitable for timber production.* All lands not identified in the plan as not suitable for timber production are suited for timber production. Timber harvest on lands suitable for timber production may be authorized for timber production or for other multiple use purposes.

(3) *Review of lands not suitable for timber production.* The responsible official shall review lands identified in the plan as not suitable for timber production at least once every 10 years as required by NFMA (16 U.S.C. 1604(k)), 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 there has been a change in conditions.

(b) *Harvest of trees on land not suitable for timber production.* (1) Where a plan identifies lands as not suitable for timber production, harvesting of trees for the purpose of timber production is prohibited.

(2) The identification in a plan of lands as not suitable for timber production does not preclude the harvest of trees on those lands for other purposes (16 U.S.C. 1604(k)); in particular, timber harvest may be authorized as a tool to assist in achieving or maintaining one or more applicable desired conditions or objectives of the plan. Examples of using timber harvest on lands not suited for timber production may include improving wildlife or fish habitat, thinning to reduce extreme fire risk, or restoring meadow or savanna ecosystems where trees have invaded.

(c) *Harvest for salvage, sanitation, or public health or safety.* Timber harvest may be approved for salvage, sanitation, or public health or safety, where consistent with the plan.

(d) *Limits on timber harvest on suitable and non-suitable lands.* A plan for a unit on which timber harvest may occur must have plan components to:

(1) Ensure that timber will be harvested from NFS lands only where such harvest would comply with the minimum limits identified in the NFMA (16 U.S.C. 1604 (g)(3)(E) and (F)).

(2) Ensure that harvest is carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources.

(3) Establish maximum size limits for areas to be cut in one harvest operation for administrative units that use clearcutting, seed tree cutting, shelterwood cutting, or other cuts designed to regenerate an even-aged stand of timber. Plan components must include standards limiting the maximum size limits for areas to be cut in one harvest operation, according to geographic areas, forest types, or other suitable classifications. This limit may be less than, but must 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 except as provided in this paragraph.

(i) Cut openings larger than those specified may be permitted where larger units will produce a more desirable combination of benefits. Specifications 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) Size limits exceeding those established in paragraphs (d)(3) and (d)(3)(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 plan maximum size openings 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)(iv)).

(4) Limit the quantity of timber that can be removed annually in perpetuity on a sustained-yield basis and provide for departure from this limit, as provided by NFMA. The Chief of the Forest Service 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.

(5) Limit the regeneration harvest of even-aged stands of trees to stands that generally have reached the culmination of mean annual increment of growth. This requirement applies only to final 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. Exceptions, set out in 16 U.S.C. 1604(m), are permitted only if consistent with the land management plan. If such exceptions are anticipated, the responsible official should include those exceptions in the land management plan as standards or guidelines. The Chief of the Forest Service must include in the Forest Service Directive System, requirements for assuring that even-aged stands of trees scheduled for final regeneration

harvest during the planning period have generally reached culmination of mean annual increment of growth with exceptions as permitted by the NFMA (16 U.S.C. 1604(m)).

§ 219.12 MONITORING.

(a) *Unit monitoring program.* (1) The responsible official shall develop a unit monitoring program for the plan area, and include it in the plan. The development of the monitoring program must be coordinated with the regional forester and Agency staff from State and Private Forestry, and Research and Development. Responsible officials for two or more administrative units may jointly develop their unit monitoring programs.

(2) The unit monitoring program sets out the unit monitoring questions and associated indicators. Monitoring questions and associated indicators must be designed to inform the management of resources on the unit, including by testing relevant assumptions, tracking relevant changes, and measuring management effectiveness and progress toward achieving or maintaining desired conditions or objectives. Questions and indicators should be based on one or more desired conditions, objectives, or other plan component in the plan, but not every plan component needs to have a corresponding monitoring question.

(3) The unit 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 unit monitoring program, after considering:

(i) Information needs identified through the planning process as most critical for informed management of resources on the unit;

(ii) Existing best available scientific information; and

(iii) Financial and technical capabilities of the Agency.

(5) Each unit monitoring program must contain one or more monitoring questions or indicators addressing each of the following:

(i) The status of select watershed conditions;

(ii) The status of select ecological conditions;

(iii) The status of focal species;

(iv) The status of visitor use and progress toward meeting recreational objectives;

(v) Measurable changes on the unit related to climate change and other stressors on the unit;

- (vi) The carbon stored in above ground vegetation;
 - (vii) The progress toward fulfilling the unit's distinctive roles and contributions to ecologic, social, and economic conditions of the local area, region, and Nation; and
 - (viii) The effects of management systems 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, but monitoring is not a prerequisite for carrying out a project or activity.
- (b) *Broader-scale monitoring strategies.*(1) The regional forester shall develop a broader-scale monitoring strategy for unit monitoring questions that can best be answered at a geographic scale broader than one unit.
- (2) When developing a monitoring strategy, the regional forester shall coordinate with the relevant responsible officials, Agency staff from 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 broad scale monitoring strategy.
- (c) *Timing and process for developing the unit monitoring program and broader-scale strategies.* (1) In the assessment phase, the responsible official shall work with the public to identify potential monitoring needs relevant to inform effective management (§ 219.6).
- (2) The responsible official shall develop the unit monitoring program as part of the planning process for a new plan development or plan revision. Where a unit's monitoring program has been developed under the provisions of a prior planning regulation and the unit has not initiated plan revision, the responsible official shall change the unit monitoring program within 4 years of the effective date of this part, or as soon as practicable, to meet the requirements of this section.
- (3) The regional forester shall develop a broader-scale monitoring strategy as soon as is practicable.
- (4) The responsible official and regional forester shall ensure that scientists are involved in the design and evaluation of unit and broad scale monitoring.

(5) To the extent practicable, appropriate, and relevant to the monitoring questions in the program, unit 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 parties;

(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 unit 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. The evaluation must indicate whether a change to the plan, management activities, or monitoring program may be warranted based on the new information; whether a new assessment should be conducted; or that no amendment, revision, or administrative change is needed.

(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 approval.

(ii) Where the monitoring program developed under the provisions of a prior planning regulation has been changed 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 must describe how best available scientific information was taken into account (§ 219.3).

(2) The monitoring evaluation report may be incorporated into other planning documents if the responsible official has initiated a plan revision or relevant amendment.

(3) The monitoring evaluation report may be postponed for one 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)(5)).

(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. A plan amendment is required for the addition, modification, or removal of one or more plan components or a change in how one or more plan components apply to all or part of the plan area.

(b) *Amendment process.* The responsible official shall:

(1) Document the need to change the plan (§ 219.6(c));

(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 plans consistent with Forest Service NEPA procedures. The appropriate NEPA documentation for an amendment may be an EIS, an EA, or a CE, depending upon the scope and scale of the amendment and its likely effects.

(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, including plan components; changes to other content in the plan other than plan components; or conformance of the plan to new statutory or regulatory requirements.

(1) A change to the monitoring program may be made as part of plan revision or amendment, but also can be made as an administrative change outside of the process for plan revision or amendment. Any change to the monitoring program may be made only after notice to the public (§ 219.16(c)(5)) of the intended change and consideration of public concerns and suggestions.

(2) All other administrative changes may be made following notice (§ 219.16(c)(5)).

§ 219.14 DECISION DOCUMENTS AND PLANNING RECORDS.

(a) *Decision document.* The responsible official shall record approval of a new plan, plan revision, or amendment 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 and the diversity requirements of § 219.9, taking into account the limits of Forest Service authority and the capability of the plan area;

(3) A statement of how the plan, plan revision or plan amendment applies to approved projects and activities (§ 219.15);

(4) A discussion of how the best available scientific information was taken into account and applied in the planning process (§ 219.3);

(5) The concurrence by the appropriate research station director with any part of the plan applicable to any designated experimental forests or experimental ranges (§ 219.2(b)(4)); and

(6) The effective date of the approval.

(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); plan decision documents (§ 219.14); the proposed plan, plan revision, or plan amendment; public notices and environmental documents associated with a plan; the monitoring program and monitoring evaluation reports (§ 219.12); and the plan.

(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 revision, or amendment was developed.

§ 219.15 PROJECT AND ACTIVITY CONSISTENCY WITH THE PLAN.

(a) *Application to existing authorizations and approved projects or activities.* Every document approving a plan, plan amendment, or plan revision must state whether the plan, plan amendment, or plan revision allows any prior approval of occupancy and use. If a plan approval 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 approval.* 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.

(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.* 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) Is designed to comply with applicable guidelines as set out in the plan; or

(ii) Is designed in a way that is as effective in carrying out the intent of the applicable guidelines in contributing to the maintenance or attainment of relevant desired conditions and objectives, avoiding or mitigating undesirable effects, or meeting applicable legal requirements (§ 219.7(d)(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 unit with the land management plan.* Any resource plans (e.g., travel management plans) developed by the Forest Service that apply to the resources or land areas within the planning unit must be consistent with the plan components. Resource plans developed prior to plan approval must be evaluated for consistency with the plan and amended if necessary.

§ 219.16 PUBLIC NOTIFICATIONS.

The following public notification requirements apply to plan development, amendment, or revision. Formal notifications may be combined where appropriate.

(a) *When formal public notification is required.* Public notification must be provided at the following times:

(1) To begin the preparation of an assessment for a plan or plan revision, or, when appropriate, a plan amendment;

(2) To initiate the development of a proposed plan or plan revision, or, when appropriate, a plan amendment;

(3) To invite comments on a proposed plan, plan revision, or plan amendment, and associated environmental analysis. For a new plan, plan revision, or a plan amendment for which a draft environmental impact statement is prepared, the comment period is at

least 90 days. For an amendment for which a draft environmental impact statement is not prepared, the comment period is at least 30 days;

(4) To begin the objection period for a plan, plan amendment, or plan revision before approval (§ 219.52);

(5) To approve a final plan, plan amendment, or plan revision; or

(6) To announce and describe how 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, when appropriate under § 219.17(b)(3).

(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 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) For a plan amendment when an official other than the Chief, the Under Secretary, or the Secretary is the responsible official, notices must be published in the newspaper(s) of record. Notification in the *Federal Register* may also be required by Forest Service NEPA procedures;

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

(5) Public notice of administrative changes, changes to the monitoring program, plan amendment assessments, or other documented need for amendment, 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 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.* A plan, plan amendment, or plan revision is effective 30 days after publication of notice of its approval, except when a plan amendment applies to only one project or activity. In those instances the amendment and project are implemented concurrently, in accordance with administrative review regulations at 36 CFR 215 and 36 CFR 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 the effective date of this part must conform to the requirements of this part.

(2) *Initiating plan amendments.* With respect to plans approved or revised under a prior planning regulation, a 3-year transition period for plan amendments begins on the effective date of this part. During the transition period, plan amendments may be initiated under the provisions of the prior planning regulation, or may conform to the requirements of this part. Plan amendments initiated after the transition period must conform to 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 the effective date of this part, the responsible official may complete the plan, plan revision, or plan amendment in conformance with the provisions of the prior planning regulation, or may conform the plan, plan amendment, or plan revision to the requirements of this part. When the responsible official chooses to conform an ongoing planning process to this part, public notice must be made (§ 219.16(a)(6)).

(c) *Plans developed, amended, or revised under a prior planning regulation.* This part supersedes any prior planning regulation. For units with plans developed, amended, or revised using the provisions of a prior planning regulation, no obligations remain from any prior planning regulation, except those that are specifically included in the plan.

§ 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. A synthesis of information in support of land management planning to determine whether a change to the plan is needed. Assessments are not decisionmaking documents but provide current information on select issues. An assessment report on the need to change the plan may range from a many page broad scale comprehensive report to a one-page report, depending on the scope and scale of issues driving the need to change.

Collaboration. 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: *Collaboration in NEPA—A Handbook for NEPA Practitioners*. The Forest Service retains decisionmaking authority and responsibility for all decisions throughout the process.

Connectivity. Pertaining to the extent to which conditions exist or should be provided between separate national forest or grassland areas to ensure habitat for breeding, feeding, or movement of wildlife and fish within their home range or migration areas.

Conservation. The protection, preservation, management, or restoration of natural environments and ecological communities.

Culmination of mean annual increment of growth. See mean annual increment of growth.

Designated areas. Areas or features within a planning unit with specific management direction that are normally established through a process separate from the land management planning process. Designations may be made by statute or by an administrative process of the Federal executive branch. The Forest Service Directive System contains policy for recognition and establishment of designations. Designated areas include experimental forests, national heritage areas, national monuments, national recreational areas, national scenic trails, research natural areas, scenic byways, wild and scenic rivers, wilderness areas, and wilderness study areas.

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.

Ecological conditions. The biological and physical environment that can affect diversity of plant and animal communities and the productive capacity of ecological systems. 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 system. See ecosystem.

Economic system. The system of production, distribution, and consumption of goods and services including consideration of jobs and income.

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.** Major vegetation types, rare communities, aquatic systems, and riparian systems. (2) **Structure.** Vertical and horizontal distribution of vegetation, stream habitat complexity, and riparian habitat elements. (3) **Function.** Ecological processes such as stream flows, nutrient cycling, and disturbance regimes. (4) **Connectivity.** Habitats that exist for breeding, feeding, or movement of wildlife and fish within species home ranges or migration areas.

Ecosystem diversity. The variety and relative extent of ecosystem types, including their composition, structure, and processes.

Ecosystem services. Benefits people obtain from ecosystems, including: (1) **Provisioning services**, such as clean air and fresh water, as well as 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, as well as recreational experiences and tourism opportunities.

Environmental assessment (EA). See definition in § 219.62.

Environmental document. Includes 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. 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 number of species selected for monitoring whose status is likely to be responsive to changes in ecological conditions and effects of management. Monitoring the status of focal species is one of many ways to gauge progress toward achieving desired conditions in the plan.

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 unit. A geographic area may overlap with a management area.

Health(y). The degree of ecological integrity that is related to the completeness or wholeness of the composition, structure, and function of native ecosystems existing within the inherent capability of the land.

Landscape. A spatial mosaic of terrestrial and aquatic ecosystems, landforms, and plant communities across a defined area irrespective of ownership or other artificial boundaries and repeated in similar form throughout.

Landscape character. A combination of physical, biological, and cultural images that gives an area its visual and cultural identity and helps to define a "sense of place." Landscape character provides a frame of reference from which to determine scenic attractiveness and to measure scenic integrity.

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

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 over time and space 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 they are used 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 the use to conform to changing needs and conditions; recognizing that some lands will be used for less than all of the resources; and providing for 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). Ecosystem services are included as part of all the various renewable surface resources of the NFS.

National Forest System. See definition in § 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.

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.

Plan or land management plan. A document or set of documents that describe management direction for an administrative unit of the NFS.

Plan area. The National Forest System lands covered by a plan.

Plant and animal communities. A naturally occurring assemblage of plant and animal species living within a defined area or habitat.

Potential wilderness areas. All areas within the National Forest System lands that satisfy the definition of wilderness found in section 2(c) of the 1964 Wilderness Act. Inventory criteria are listed in Forest Service Handbook 1909.12 – Land Management Planning Handbook, Chapter 70 – Wilderness Evaluation.

Productivity. The capacity of National Forest System 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, 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.

Recreational setting. The surroundings or the environment for the recreational activities. The Forest Service uses the recreational opportunity spectrum that defines six recreational opportunity classes that provide different settings for recreational use: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban.

Resilience. The capacity of a system to absorb disturbance and reorganize while undergoing change so as to still retain essentially the same function, structure, identity, and feedbacks.

Responsible official. See definition in § 219.62.

Restoration. The process of assisting the recovery of resilience and the capacity of a system to adapt to change if the environment where the system exists has been degraded, damaged, or destroyed. Ecological restoration focuses on reestablishing ecosystem functions by modifying or managing the composition, structure, arrangement, and

processes necessary to make terrestrial and aquatic ecosystems sustainable, and resilient under current and future conditions.

Riparian Areas. Geographically delineable areas with distinctive resource values and characteristics that are comprised of the aquatic and riparian ecosystems.

Risk. A combination of the likelihood that a negative outcome will occur and the severity of the subsequent negative consequences.

Sole source aquifer. A porous geologic formation, usually consisting of sand and gravel, that holds ground water, and designated by the Environmental Protection Agency because it supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer, and where contamination would present both a significant public health hazard and an economic hardship in the high cost of replacing the contaminated water.

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.

Species of conservation concern. Species other than federally listed threatened or endangered species or candidate species, for which the responsible official has determined that there is evidence demonstrating significant concern about its capability to persist over the long-term in the plan area.

Sustainability. Capability of meeting the needs of the present generation without compromising the ability of future generations to meet their needs.

Sustainable recreation. The set of recreational opportunities, uses and access that, individually and combined, are ecologically, economically, and socially sustainable, allowing the responsible official to offer recreation opportunities now and into the future. Recreational opportunities can include non-motorized, motorized, developed, and dispersed recreation on land, water, and air.

System drivers. Natural or human-induced factors that directly or indirectly cause a change in an ecosystem, such as climate change, habitat change, or non-native invasive species, human population change, economic activity, or technology.

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.

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 organization 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 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 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.

§ 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.
- (b) The responsible official shall make available the public notice for beginning of the objection period for a plan, plan amendment, or plan revision (§ 219.16(a)(4)) 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 beginning of the objection period for a plan, plan amendment, or plan revision before approval (§ 219.16(a)(4)) 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 30-day objection period under 36 CFR 219 subpart B; and the process for objecting.

(2) Include the name of the plan, plan amendment, or plan revision and 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 e-mail 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 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 or the Secretary) is the exclusive means for calculating the time to file an objection (§ 219.56).

(6) Include a statement that an objection, including attachments, must be filed with the appropriate reviewing officer (§ 219.62) within 30 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 organizations 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 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 from individuals or organizations that do not meet the requirements of this paragraph must 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 organization are considered those of the organization only. Individual members of that organization do not meet objection eligibility requirements solely based on membership in an

organization. A member or an individual must submit formal comments independently to be eligible to file an objection in an individual capacity.

(c) When an objection lists multiple individuals or organizations, each individual or organization must meet the requirements of paragraph (a) of this section. Individuals or organizations listed on an objection that do not meet eligibility requirements must 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 organization 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 must not be on official duty nor use government property or equipment in the preparation or filing of an objection. Further, employees must 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) Objections must be filed with the reviewing officer in writing. All objections must be open to public inspection during the objection process.

(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, web links to those documents, or both must be included with the objection.

(1) All or any part of a Federal law or regulation.

(2) Forest Service Directive System documents and land management plans.

(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 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 must 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 organization did not submit formal comments (§ 219.53) during scoping or other opportunities for public comment on the proposed decision (§ 219.16);
 - (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 must give written notice to the objector and the responsible official when an objection is set aside from review and must state the reasons for not

reviewing the objection. 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.* Written objections, including any attachments, must be filed within 30 days following the publication date of the public notice for a plan, plan amendment, or plan revision before approval (§§ 219.16 and 219.52). 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 e-mail 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 must not rely on dates or timeframe information provided by any other source.

(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 delivery date and time for e-mail 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 United States 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 for a plan amendment, that next higher-level line officer may delegate their reviewing officer authority and responsibility to a line officer at the same administrative level as the responsible official. Any delegation of reviewing officer

responsibilities must be made prior to the public notification of an objection filing period (§ 219.52).

(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.

§ 219.57 RESOLUTION OF OBJECTIONS.

(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 the issues and concerns submitted in the objection(s).

(3) The response of the reviewing officer will be the final decision of the 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 30-day time 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.

§ 219.59 USE OF OTHER ADMINISTRATIVE REVIEW PROCESSES.

(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 reviewing officer 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, these rules contain information collection requirements as defined in 5 CFR part 1320 and have been approved by 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 organization's current mailing address used for postal service or other delivery services. An e-mail 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.

Environmental assessment (EA). A public document that provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI), 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. 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 organization providing them.

Lead objector. For an objection submitted with multiple individuals, multiple organizations, or combination of individuals and organizations listed, the individual or organization 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 organization. An electronic username is insufficient for identification of an individual or organization.

National Forest System. The National Forest System includes national forests, national grasslands, and the National Tall Grass Prairie.

Newspaper(s) of record. The newspaper of record is the principal newspapers 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 organization seeking pre-decisional administrative review of a plan, plan amendment, or plan revision.

Objection period. The 30-calendar-day period following publication of a public notice in the applicable newspaper of record (or the *Federal Register*, if the responsible official is

the Chief or the Secretary) 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.

Objection process. Those procedures established for pre-decisional administrative review of a plan, plan amendment, or plan revision.

Objector. An individual or organization 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 website 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.

Appendix B – Alternative B: 2000 Planning Rule Transition Provisions

This is the no action alternative. Under this alternative, the planning provisions of the 1982 rule, last included in the Code of Federal Regulations at 36 CFR part 219 (2000) would guide development, revision, and amendment of land management plans for the National Forest System. Use of the 1982 rule planning provisions is allowed under the transition language of the 2000 planning rule currently in effect (36 CFR part 219.35).

SEC. 219.35 TRANSITION

(a) The transition period begins on November 9, 2000 and ends upon the completion of the revision process (Sec. 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 current plan.

(b) Until the Department promulgates the revised final planning regulations announced in the December 3, 2001, Semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions, 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, 2001), or the responsible official may conduct the amendment or revision process in conformance with the provisions of this subpart. For the purposes of this paragraph, the reference to initiation of a plan amendment or revision means that the agency has issued a Notice of Intent or other public notification announcing the commencement of a plan amendment or revision as provided for in the Council on Environmental Quality regulations at 40 CFR 1501.7 or in Forest Service Handbook 1909.15, Environmental Policy and Procedures Handbook, section 11.

(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 Sec. 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 the final planning regulations published as proposed on December 6, 2002 (67 FR 72770).

(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 Sec. 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 SEC. 219.35

Interpretive Rule Related to Paragraph 219.35(b)

The Department is making explicit its preexisting understanding of paragraph (b) of this section 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 of 36 CFR part 217 in effect prior to November 9, 2000 (See CFR 36 parts 200 to 299, Revised as of July 1, 2000), to the objection procedures of Sec. 219.32 as follows:

1. The option to proceed under the 1982 regulations or under the provisions of this subpart specifically includes the option to select either the administrative appeal and review procedures of 36 CFR part 217 in effect prior to November 9, 2000, or the objection procedures of 36 CFR 219.32.

2. The Department interprets the term “initiated,” as used in paragraph (b) of this section, to indicate that the agency has issued a Notice of Intent or other public notification announcing the commencement of a plan revision or amendment as provided for in the Council on Environmental Quality regulations at 40 CFR 1501.7 or in Forest Service Handbook 1909.15, Environmental Policy and Procedures Handbook, section 11.

APPENDIX B TO § 219.35

Interpretative Rule Related to Paragraphs 219.35(a) and (b)

The Department is clarifying the intent of the transition provisions of paragraphs (a) and (b) of this section 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. A proposed rule to revise the November 9, 2000, planning regulations was published in the **Federal Register** on December 6, 2002 (67 FR 72770). A new final rule has not been promulgated.

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.

APPENDIX C – ALTERNATIVE B: 1982 PLANNING RULE

This is the no action alternative. Under this alternative, the planning provisions of the 1982 rule, last included in the Code of Federal Regulations at 36 CFR part 219 (2000) would guide development, revision, and amendment of land management plans for the National Forest System. Use of the 1982 rule planning provisions is allowed under the transition language of the 2000 planning rule currently in effect (36 CFR part 219.35).

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SUBPART A — NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

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;

(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.

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 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.

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.

SEC. 219.4 PLANNING LEVELS.

(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 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.

(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;
- (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.

(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 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.

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 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.

SEC. 219.9 REGIONAL GUIDE CONTENT.

(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.

SEC. 219.10 FOREST PLANNING--GENERAL PROCEDURE.

(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.

(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.

SEC. 219.11 FOREST PLAN CONTENT.

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;

(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 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)).

(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

(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.

(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 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).

SEC. 219.15 VEGETATION MANAGEMENT PRACTICES.

When vegetation is altered by management, the methods, timing, and intensity of the practices determine the level of benefits that can be obtained from the affected resources.

The vegetation management practices chosen for each vegetation type and circumstance shall be defined in the forest plan with applicable standards and guidelines and the reasons for the choices. Where more than one vegetation management practice will be used in a vegetation type, the conditions under which each will be used shall be based upon thorough reviews of technical and scientific literature and practical experience, with appropriate evaluation of this knowledge for relevance to the specific vegetation and site conditions. On National Forest System land, the vegetation management practice chosen shall comply with the management requirements in s 219.27(b).

SEC. 219.16 TIMBER RESOURCE SALE SCHEDULE.

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;

(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.

(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.

SEC. 219.18 WILDERNESS MANAGEMENT.

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.

(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.

SEC. 219.21 RECREATION RESOURCE.

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.

SEC. 219.22 MINERAL RESOURCE.

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--
 - (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).)

SEC. 219.27 MANAGEMENT REQUIREMENTS.

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;
- (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 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 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 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 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.

Appendix D – Alternative B Appeal procedures

Optional Appeal Procedures Available During the Planning Rule Transition Period

August 2009

Introduction

This document sets out the optional administrative appeal and review procedures allowed by Title 36, Code of Federal Regulations (CFR), Part 219–Planning, Subpart A–National Forest System Land Management Planning (36 CFR part 219, subpart A or 2000 planning rule). Under 36 CFR 219.35(b) of the 2000 planning rule and a 2001 interpretive rule the responsible official may elect to use these procedures for land management plans and amendments approved during the planning rule transition period. See 65 FR (Federal Register) 67514 (November 9, 2000) and 66 FR 1864 (January 10, 2001). The appeal and review regulations at 36 CFR part 217 were effectively repealed by the 2000 Planning Rule and removed from the Code of Federal Regulations in 2001. Because it is inappropriate to refer to these procedures as if they were still in the Code of Federal Regulations, these “Optional Appeal Procedures Available during the Planning Rule Transition Period” are set out here with references to 36 CFR part 217 removed and wording and numbering changes made so the procedures do not read as a regulation. None of these changes are substantive changes to the appeal process.

The source of the “Optional Appeal Procedures Available during the Planning Rule Transition Period” is the Federal Register (FR), 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).

Optional Appeal Procedures Available During the Planning Rule Transition Period

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AUTHORITY: 16 U.S.C. 551, 472.

SOURCE: 54 FR 3357, Jan. 23, 1989, unless otherwise noted.

Appeal of land management plan development, plan revision, or plan amendment under transition procedures of Title 36 CFR 219.35(b) (2000). These procedures are to be used when the responsible official decides to use the administrative appeal option under 36 CFR 219.35(b) as further described in an interpretive rule at 66 FR 1864 (January 10, 2001).

SECTION 1 – PURPOSE AND SCOPE.

(a) This procedure provides a process by which a person or organization interested in the management of the National Forest System may administratively appeal decisions to approve, amend, or revise a national forest land and resource management plan or approve or amend a regional guide prepared pursuant to 36 CFR part 219. This procedure establishes who may appeal such decisions, the kind of decisions that may be appealed, the responsibilities of the participants in an appeal, and the procedures that apply. This procedure provides a review of such decisions by an official at the next administrative level.

(b) This procedure complements, but does not replace, numerous opportunities to participate in and influence agency decisionmaking provided pursuant to the National Environmental Policy Act of 1969 (NEPA) and the associated implementing regulations and procedures in 40 CFR parts 1500-1508, 36 CFR parts 215, 216, and 219, Forest

Service Manual chapters 1920 and 1950, and Forest Service Handbooks 1909.12 and 1909.15.

[58 FR 58915, Nov. 4, 1993]

SECTION 2 – DEFINITIONS.

For the purposes of this procedure--

Appellant is the term used to refer to a person or organization (or an authorized agent or representative acting on their behalf) filing a notice of appeal under this procedure.

Deciding officer means the Forest Service line officer who has the delegated authority and responsibility to make the decision being questioned under these rules.

Decision document means a written document that a deciding officer signs to execute a decision subject to review under this procedure. Specifically a record of decision or a decision notice.

Decision documentation refers to the decision document and all relevant environmental and other analysis documentation on which the deciding officer based a decision that is at issue under the rules of this procedure. Decision documentation includes, but is not limited to, environmental assessments, findings of no significant impact, environmental impact statements, land and resource management plans, regional guides, documents incorporated by reference in any of the preceding documents, and drafts of these documents released for public review and comment.

Decision notice means the written document signed by a deciding officer when the decision was preceded by preparation of an environmental assessment (40 CFR 1508.9).

Decision review or *review* is the term used to refer to the process provided in this procedure by which a higher level officer reviews a decision of a subordinate officer in response to a notice of appeal.

Forest Service line officer is the Chief of the Forest Service or a Forest Service official who serves in a direct line of command from the Chief and who has the delegated authority to make and execute decisions under this procedure. Specifically, for the purposes of this procedure, a Forest Service employee who holds one of the following offices and titles: forest supervisor, deputy forest supervisor, regional forester, deputy regional forester, deputy chief, associate deputy chief, associate chief, or the Chief of the Forest Service.

Intervenor is an individual who, or organization that, is interested in or potentially affected by a decision under appeal pursuant to this procedure, who has made a timely request to intervene in that appeal.

Legal notice is notice of a decision appealable under this procedure published in the *Federal Register* or in the legal notices section of a newspaper of general circulation as required by section 5 of this procedure.

Notice of appeal is the written document filed with a reviewing officer by one who objects to a decision covered by this procedure and who requests review by the next higher line officer.

Participants include appellants, intervenors, the deciding officer, and the reviewing officer.

Record of decision is the document signed by a deciding officer recording a decision that was preceded by preparation of an environmental impact statement (40 CFR 1505.2).

Reviewing officer is the line officer one administrative level higher than the deciding officer or, in the case of a discretionary review, one level higher than the line officer who issued a first-level appeal decision.

[54 FR 3357, Jan. 23, 1989; 54 FR 13807, Apr. 5, 1989, as amended at 55 FR 7895, Mar. 6, 1990; 58 FR 58915, Nov. 4, 1993]

SECTION 3 – DECISIONS SUBJECT TO APPEAL.

(a) The following decisions are subject to appeal under this procedure:

(1) Decisions to approve, amend, or revise a national forest land and resource management plan including project or activity decisions for which environmental effects have been analyzed and disclosed within a final environmental impact statement (EIS) and documented in a record of decision including approval, significant amendments, or revisions of a land and resource management plan.

(2) Decisions to approve or amend a regional guide prepared pursuant to 36 CFR part 219 and documented in a decision notice or record of decision are subject to appeal under this procedure, except as provided in section 4.

(b) Decisions as defined in paragraph (a) of this section and documented in a decision notice or a record of decision that are made by a subordinate Forest Service staff officer acting within delegated authority are considered to be decisions of the Forest Service line officer.

[58 FR 58915, Nov. 4, 1993]

SECTION 4 – DECISIONS NOT SUBJECT TO APPEAL.

The following decisions are not subject to appeal under this procedure.

(a) Decisions on projects or activities implementing national forest land and resource management plans including project decisions that include a non-significant amendment to a national forest land and resource management plan.

(b) Preliminary planning decisions or preliminary decisions as to National Environmental Policy Act or National Forest Management Act processes made prior to release of final plans, guides, and environmental documents.

(c) Recommendations of Forest Service line officers to higher ranking Forest Service or Departmental officers or to other entities having final authority to implement the recommendations in question, such as wilderness and wild and scenic river recommendations.

[58 FR 58915, Nov. 4, 1993]

SECTION 5 – GIVING NOTICE OF DECISIONS SUBJECT TO APPEAL.

(a) For decisions subject to appeal under this procedure, deciding officers shall promptly mail the appropriate decision document (sec. 3(a)(1)) to those who, in writing, have requested it, and to those who are known to have participated in the decisionmaking process.

(b) The deciding officer shall also give notice of decisions appealable under this procedure as follows:

(1) For all initial decisions of the Chief, notice shall be published in the *Federal Register*.

(2) For all other decisions, legal notice of the decision shall be published in a newspaper of general circulation identified pursuant to the requirements of paragraph (d) of this section. Deciding officers may, at their discretion, also publish notice of their decisions in additional newspapers. Where a deciding officer elects to publish such additional notices, they shall be published after an initial legal notice has been published in the principal newspaper identified in the biannual Federal Register notice provided for in paragraph (d) of this section. Any such additional newspaper notices shall indicate the date that the appeal period ends, which shall be calculated based on the date of publication of the initial notice in the principal newspaper identified in the biannual Federal Register notice.

(c) All notices published pursuant to this section shall include a concise description of the decision made by title or subject matter, the date of the decision, the name and title of the official making the decision, and information on how to obtain a copy of the decision, and shall specify that the appeal period begins the day following the notice's publication as provided for in section 8(b)(1).

(d) At least twice annually, in April and in October, each responsible Forest Service officer shall, through Federal Register notice, advise the public of the principal newspaper to be utilized for publishing legal notices required by this section. The Federal Register notice shall also list all additional newspapers which the deciding officer expects to use for purposes of providing additional notice pursuant to paragraph (b) of this section.

[54 FR 3357, Jan. 23, 1989, as amended at 55 FR 7895, Mar. 6, 1990; 56 FR 4918, Feb. 6, 1991]

SECTION 6 – PARTICIPANTS.

(a) Other than Forest Service employees, any person or any non-Federal organization or entity may challenge a decision covered by this procedure and request a review by the Forest Service line officer at the next administrative level.

(b) An intervenor as defined in section 2 of the procedure.

SECTION 7 – LEVELS OF APPEAL.

(a) Decisions made by the Chief. If the Chief of the Forest Service is the deciding officer, the notice of appeal is filed with the Secretary of Agriculture. Review by the Secretary is wholly discretionary. Within 15 days of receipt of a notice of appeal, the Secretary shall

determine whether or not to review the decision in question. If the Secretary has not decided to review the Chief's decision by the expiration of the 15-day period, the requester(s) shall be notified by the Secretary's office that the Chief's decision is the final administrative decision of the Department of Agriculture. When the Secretary elects to review an initial decision made by the Chief, the Secretary shall conduct the review in accordance with the first level appeal procedures outlined in this rule.

(b) Decisions made by forest supervisors and regional foresters. The levels of available review are as follows:

(1) If the decision is made by a forest supervisor, the notice of appeal is filed with the regional forester;

(2) If the decision is made by a regional forester, the notice of appeal is filed with the Chief of the Forest Service.

(c) Discretionary review of dismissal decisions. Dismissal decisions rendered by Forest Service line officers pursuant to this procedure (sec. 11) are subject to discretionary review as follows:

(1) If the initial reviewing officer was the regional forester, the Chief has discretion to review.

(2) If the reviewing officer was the Chief, the Secretary of Agriculture has discretion to review.

(d) Discretionary review of appeal decisions. Appeal decisions rendered by regional foresters and the Chief pursuant to this procedure are subject to discretionary review as follows:

(1) If the reviewing officer was the regional forester, the Chief has discretion to review.

(2) If the reviewing officer was the Chief, the Secretary of Agriculture has discretion to review.

[54 FR 3357, Jan. 23, 1989, as amended at 54 FR 34509, Aug. 21, 1989; 58 FR 58915, Nov. 4, 1993]

SECTION 8 – APPEAL PROCESS SEQUENCE.

(a) Filing procedures. To appeal a decision under this procedure, a person or organization must:

(1) File a written notice of appeal, in duplicate, with the next higher line officer in accordance with the provisions of section 9 of this procedure.

(2) File the notice of appeal within 45 days of the date specified in the published legal notice for non-significant amendments to land and resource management plans documented in a decision notice or record of decision.

(3) File the notice of appeal within 90 days of the date specified in the published legal notice for land and resource management plan approvals, significant amendments, or revisions, and for other programmatic decisions documented in a record of decision.

(b) Computation of time periods. (1) The day after the published notices required in section 5(b) is the first day of the appeal period provided for in paragraphs (a)(2) and (a)(3) of this section. All other time periods applicable to this procedure are tied to the filing of a notice of appeal and begin on the first day following that filing.

(2) All time periods in this procedure are to be computed using calendar days. Saturdays, Sundays, and Federal holidays are included in computing the time period for filing a notice of appeal; however, when the filing period would expire on a Saturday, Sunday, or Federal holiday, the filing time is extended to the end of the next Federal working day.

(c) Evidence of timely filing. It is the responsibility of the appellant to file the notice on or before the last day of the filing period. In the event of question, a legible postmark will be considered evidence of timely filing. Where postmarks are illegible, the reviewing officer shall rule on the timely filing of the appeal. Notices of appeal that are filed before the filing period specified in the published legal notice shall be accepted, but premature filing does not affect timeframes specified in this procedure.

(d) Time extensions.

(1) The 45-day/90-day filing periods for a notice of appeal are not extendable.

(2) Time extensions are not permitted except as provided in sections 12, 13, and 17 of this procedure.

(e) Upon receipt of a timely notice of appeal, the reviewing officer shall immediately forward a copy of it to the deciding officer.

(f) Appeal decision. Unless time has been extended as provided for in sections 12 and 13, the reviewing officer shall not exceed the following time periods for rendering an appeal decision:

(1) An appeal of a land and resource management plan approval, significant amendment, or revision, or on a programmatic decision documented in a record of decision, not more than 160 days from the date the notice of appeal was filed.

(2) In the event of multiple appeals of the same decision, the appeal decision date shall be calculated from the filing date of the last notice of appeal.

[54 FR 3357, Jan. 23, 1989, as amended at 55 FR 7895, Mar. 6, 1990; 56 FR 4918, Feb. 6, 1991; 58 FR 58916, Nov. 4, 1993]

SECTION 9 – CONTENT OF A NOTICE OF APPEAL.

(a) It is the responsibility of those who appeal a decision under this procedure to provide a reviewing officer sufficient narrative evidence and argument to show why the decision by the lower level officer should be changed or reversed.

(b) At a minimum, a written notice of appeal filed with the reviewing officer must:

(1) State that the document is a notice of appeal filed pursuant to 36 CFR 219.14(b)(2);

(2) List the name, address, and telephone number of the appellant;

(3) Identify the decision about which the requester objects;

(4) Identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the deciding officer.

(5) Identify specifically that portion of the decision or decision document to which the requester objects;

(6) State the reasons for objecting, including issues of fact, law, regulation, or policy, and, if applicable, specifically how the decision violates law, regulation, or policy; and

(7) Identify the specific change(s) in the decision that the appellant seeks.

[54 FR 3357, Jan. 23, 1989, as amended at 55 FR 7895, Mar. 6, 1990; 56 FR 4918, Feb. 6, 1991]

SECTION 10 – IMPLEMENTATION AND STAYS OF DECISIONS.

(a) Implementation of any decision subject to appeal pursuant to this procedure shall not occur for 7 calendar days following publication of the legal notice of the decision as required in this procedure.

(b) Requests to stay the approval of land and resource management plans prepared pursuant to 36 CFR part 219 shall not be granted. However, requests to stay implementation of a project or activity included in such a plan will be considered as provided for in paragraph (c).

(c) Where a project or activity would be implemented before an appeal decision could be issued, the reviewing officer shall consider written requests to stay implementation of that decision pending completion of the review.

(d) To request a stay of implementation, an appellant must—

(1) File a written request with the reviewing officer;

(2) Simultaneously send a copy of the stay request to any other appellant(s), intervenor(s), and to the deciding officer; and

(3) Provide a written justification of the need for a stay, which at a minimum includes the following:

(i) A description of the specific project(s), activity(ies), or action(s) to be stopped.

(ii) Specific reasons why the stay should be granted in sufficient detail to permit the reviewing officer to evaluate and rule upon the stay request, including at a minimum:

(A) The specific adverse effect(s) upon the requester;

(B) Harmful site-specific impacts or effects on resources in the area affected by the activity(ies) to be stopped; and

(C) How the cited effects and impacts would prevent a meaningful decision on the merits.

(e) The reviewing officer shall rule on stay requests within 10 days of receipt of a request.

(f) In deciding a stay request, a reviewing officer shall consider:

(1) Information provided by the requester pursuant to paragraph (c) of this section;

- (2) The effect that granting a stay would have on preserving a meaningful appeal on the merits;
 - (3) Any information provided by the deciding officer or other party to the appeal in response to the stay request; and
 - (4) Any other factors the reviewing officer considers relevant to the decision.
- (g) A reviewing officer must issue a written decision on a stay request.
- (1) If a stay is granted, the stay shall specify the specific activities to be stopped, duration of the stay, and reasons for granting the stay.
 - (2) If a stay is denied in whole or in part, the decision shall specify the reasons for the denial.
 - (3) A copy of a decision on a stay request shall be sent to the appellant(s), intervenor(s), and the deciding officer.
 - (h) A decision may be implemented during a review unless the reviewing officer has granted a stay.
 - (i) A reviewing officer's decision on a request to stay implementation of a project or activity included in a land and resource management plan or significant amendment or revision to the plan is not subject to discretionary review at the next administrative level.
- [54 FR 3357, Jan. 23, 1989, as amended at 55 FR 7896, Mar. 6, 1990; 56 FR 4918, Feb. 6, 1991; 58 FR 58916, Nov. 4, 1993]

SECTION 11 – DISMISSAL WITHOUT REVIEW.

- (a) A reviewing officer shall dismiss an appeal and close the appeal record without decision on the merits when—
 - (1) The notice is not filed within the time specified in section 8 of this procedure;
 - (2) The requested relief or change cannot be granted under law, fact, or regulation existing when the decision was made.
 - (3) The notice of appeal fails to meet the minimum requirements of section 9 of this procedure to such an extent that the reviewing officer lacks adequate information on which to base a decision;
 - (4) The decision at issue is being appealed under another administrative proceeding;
 - (5) The decision is excluded from appeal pursuant to section 4 of this procedure;
 - (6) The appellant(s) withdraws the appeal;
 - (7) The deciding officer withdraws the appealed decision; or
 - (8) The Chief has invoked the provisions of section 18 of this procedure.
- (b) The reviewing officer shall give written notice of a dismissal to all participants that includes an explanation of why the appeal is dismissed.
- (c) A reviewing officer's dismissal decision is subject to discretionary review at the next administrative level as provided for in section 7(d) of this procedure, except when a

dismissal decision results from withdrawal of an appeal by an appellant or withdrawal of the initial decision by the deciding officer.

[54 FR 3357, Jan. 23, 1989, as amended at 55 FR 7896, Mar. 6, 1990; 56 FR 4918, Feb. 6, 1991]

SECTION 12 – RESOLUTION OF ISSUES.

(a) When a decision is appealed, appellants or intervenors may request meetings with the deciding officer to discuss the appeal, either together or separately, to narrow issues, agree on facts, and explore opportunities to resolve the issues by means other than review and decision on the appeal. Reviewing officers may, on their own initiative, request the deciding officer to meet with participants to discuss the appeal and explore opportunities to resolve the issues. However, reviewing officers may not participate in such discussions. At the request of the deciding officer, or on their own initiative, reviewing officers may extend the time periods for review to allow for conduct of meaningful negotiations. Such extensions may occur only after the time period for intervention and for the deciding officer to transmit the decision documentation has elapsed. In granting an extension, the reviewing officer must establish a specific time period for the conduct of negotiations.

(b) The deciding officer has the authority to withdraw a decision, in whole or in part, during the appeal. Where a deciding officer decides to withdraw a decision, all participants to the appeal will be notified that the case is dismissed. A deciding officer's subsequent decision to reissue or modify the withdrawn decision constitutes a new decision and is subject to appeal under this procedure.

[54 FR 3357, Jan. 23, 1989, as amended at 56 FR 46550, Sept. 13, 1991]

SECTION 13 – REVIEWING OFFICER AUTHORITY.

(a) Discretion to establish procedures. A reviewing officer may issue such determinations and procedural instructions as appropriate to ensure orderly and expeditious conduct of the appeal process as long as they are in accordance with all the applicable rules and procedures of this procedure.

(1) In appeals involving intervenors, the reviewing officer may prescribe special procedures to conduct the appeal.

(2) In case of multiple appeals of a decision, the reviewing officer may prescribe special procedures as necessary to conduct the review.

(3) All participants shall receive notice of any procedural instructions or decisions governing conduct of an appeal.

(4) Procedural instructions and decisions are not subject to review by higher level officers.

(b) Consolidation of multiple appeals.

(1) The reviewing officer shall determine whether to issue one appeal decision or separate decisions in cases involving multiple notices of appeal under this procedure, or if

the same decision is also under appeal pursuant to 36 CFR part 251. In the event of a consolidated decision, the reviewing officer shall give advance notice to all who have appealed the decision.

(2) Decisions to consolidate an appeal decision are not subject to review by higher level officers.

(c) Requests for information. At any time during the appeal process, the reviewing officer at the levels specified in section 7 (a), (b), or (c)(1) of this procedure may extend the time periods for review to request additional information from an appellant, intervenor, or the deciding officer. Such requests shall be limited to obtaining and evaluating information needed to clarify issues raised. The reviewing officer shall notify all participants of such requests and provide them opportunity to comment on the information obtained.

[54 FR 3357, Jan. 23, 1989, as amended at 54 FR 34509, Aug. 21, 1989]

SECTION 14 – INTERVENTION.

(a) For a period not to exceed 20 days following the filing of a notice of appeal, the reviewing officer shall accept requests to intervene in the appeal from any interested or potentially affected person or organization. Requests to intervene in an appeal during the discretionary review (sec. 7(d)) shall not be accepted.

(b) Upon receiving such a request, the reviewing officer shall promptly acknowledge the request, in writing, and mail the notice of appeal to the intervenor.

(c) The reviewing officer shall accept into the appeal record written comments about the appeal from an intervenor for a period not to exceed 30 days following acknowledgement of the intervention request (sec. 14(b)).

(d) Intervenors must concurrently furnish copies of all submissions to the appellant. Failure to provide copies may result in removal of a submission from the appeal record.

(e) An intervenor cannot continue an appeal if the appeal is dismissed (sec. 11).

[54 FR 3357, Jan. 23, 1989, as amended at 58 FR 58916, Nov. 4, 1993]

SECTION 15 – APPEAL RECORD.

(a) Upon receipt of a copy of the notice of appeal, the deciding officer shall assemble the relevant decision documentation (sec. 2) and pertinent records, and transmit them to the reviewing officer within 30 days in appeal of non-significant amendments to land and resource management plans or within 60 days for appeals of land and resource management plan approvals, significant amendments, or revisions, and for other programmatic decisions. The time period for forwarding the decision documentation is not extendable.

(b) In transmitting the decision documentation to the reviewing officer, the deciding officer shall indicate where the documentation addresses the issues raised in the notice of appeal. The deciding officer shall provide a copy of the transmittal letter to the appellant(s) and intervenor(s).

(c) The review of decisions appealed under this procedure focuses on the documentation developed by the deciding officer in reaching decisions. The records on which the reviewing officer shall conduct the review consists of the notice of appeal, any written comments submitted by intervenors, the official documentation prepared by the deciding officer in the decisionmaking process, the deciding officer's letter transmitting those documents to the reviewing officer, and any appeal related correspondence, including additional information requested by the reviewing officer pursuant to section 13 of this procedure.

(d) It is the responsibility of the reviewing officer to maintain in one location a file of documents related to the decision and appeal.

(e) Closing the record.

(1) In appeals with intervenors, the appeal record shall close upon receipt of comments on the appeal by the intervenor, but not later than the end of the 30-day period provided for intervenors to submit comments (sec. 14(c)).

(2) In appeals without intervenors, the appeal record shall close upon receipt of the decision documentation from the deciding officer, unless time has been extended as provided for in sections 12 and 13.

(f) The appeal record is open to public inspection at any time during the review.

(g) In appeals involving initial decisions of the Chief (sec. 7(a)), the establishment of an administrative record as defined in paragraph (a) of this section shall not begin unless the Secretary elects to review the appeal. Except for the initial notice of appeal, any filings made previous to the Secretary's election to review will not be accepted.

[54 FR 3357, Jan. 23, 1989, as amended at 54 FR 34509, Aug. 21, 1989; 55 FR 7896, Mar. 6, 1990; 56 FR 4918, Feb. 6, 1991; 58 FR 58916, Nov. 4, 1993]

SECTION 16 – DECISION.

(a) The reviewing officer shall not issue a decision prior to the record closing (sec. 15(e)).

(b) The reviewing officer's decision shall, in whole or in part, affirm or reverse the original decision. The reviewing officer's decision may include instructions for further action by the deciding officer.

(c) An appeal decision must be consistent with applicable law, regulations, and orders.

(d) The reviewing officer shall send a copy of the decision to all participants and to others upon request.

(e) Unless a higher level officer exercises the discretion to review a receiving officer's decision as provided at section 7(d), the reviewing officer's decision is the final administrative decision of the Department of Agriculture and the decision is not subject to further review under this procedure.

[54 FR 3357, Jan. 23, 1989, as amended at 58 FR 58916, Nov. 4, 1993]

SECTION 17 – DISCRETIONARY REVIEW.

- (a) Petitions or requests for discretionary review shall not, in and of themselves, give rise to a decision to exercise discretionary review. In electing to exercise discretion, a reviewing officer should consider, but is not limited to, such factors as 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.
- (b) As provided for a sections 7 (c) and (d), 10(h), and 11, certain dismissal decisions rendered by Forest Service line officers, and appeal decisions rendered by regional foresters and the Chief (sec. 16) are subject to discretionary review at the next highest administrative level. Within one day following the date of any decision subject to such discretionary review, the reviewing officer shall forward a copy of the decision and the decision documents (sec. 2) upon which the appeal was predicated to the next higher officer.
- (c) When a stay of implementation is in effect, it shall remain in effect until the end of the 15-day period in which a higher level officer must decide whether or not to review a reviewing officer's decision (sec. 17(d)). If the higher level officer decides to review the reviewing officer's decision, the stay will remain in effect until a decision is issued (sec. 17(f)), or until the end of the 30-day review period provided in section 17(g) whichever is less.
- (d) The higher level officer shall have 15 days from date of receipt to decide whether or not to review a lower level appeal decision, and may request and use the appeal record in deciding whether or not to review the decision, including decisions to dismiss. If the record is requested, the 15-day period is suspended at that point. The lower level reviewing officer shall forward it within 5 days of the request. Upon receipt, the higher level officer shall have 15 days to decide whether or not to review the lower level decision. If that officer takes no action by the expiration of the 15-day period or the additional 15-day period following receipt of the record, the decision of the reviewing officer stands as the final administrative decision of the Department of Agriculture. All participants shall be notified by the discretionary level whether or not the decision will be reviewed.
- (e) Where an official exercises the discretion in section 7 (d) or (e) of this procedure to review a dismissal or appeal decision, the discretionary review shall be made on the existing appeal record and the lower level reviewing officer's appeal decision. The record shall not be reopened to accept additional submissions from any source including the reviewing officer whose appeal decision is being reviewed.
- (f) The discretionary level reviewing officer shall conclude the review within 30 days of the date of the notice issued to participants that the lower decision will be reviewed, and shall send a copy of the review decision to all participants.
- (g) If a discretionary review decision is not issued by the end of the 30-day review period, appellants and intervenors shall be deemed to have exhausted their administrative remedies for purposes of judicial review. In such case, the participants shall be notified by the discretionary level.

[54 FR 3357, Jan. 23, 1989; 54 FR 13807, Apr. 5, 1989, as amended at 54 FR 34510, Aug. 21, 1989; 55 FR 7896, Mar. 6, 1990; 58 FR 58916, Nov. 4, 1993]

SECTION 18 – POLICY IN EVENT OF JUDICIAL PROCEEDINGS.

It is the position of the Department of Agriculture that any filing for Federal judicial review of a decision subject to review under this procedure is premature and inappropriate unless the plaintiff has first sought to invoke and exhaust the procedures available under this procedure. This position may be waived upon a written finding by the Chief.

SECTION 19 – APPLICABILITY AND EFFECTIVE DATE.

(a) The appeal procedures established in this procedure apply to all appealable decision documents published on or after February 6, 1991.

(b) Notices of appeal filed under 36 CFR 211.16, 36 CFR 211.18, 36 CFR 228.14, and 36 CFR 292.15 prior to February 22, 1989, remain subject to those procedures.

[54 FR 3357, Jan. 23, 1989, as amended at 56 FR 46550, Sept. 13, 1991]

APPENDIX E – ALTERNATIVE C

This alternative was developed to address concerns that land management planning has greatly exceeded the scope and intent of National Forest Management Act (NFMA) and in so doing taken an excessive toll in cost and time invested, by both Forest Service employees and the public. This alternative requires the land management planning process and resulting plans be limited to the minimum requirements of NFMA, with the addition of minimal requirements to meet the purpose and need for a new rule set out in this draft programmatic environmental impact statement.

To facilitate comparison, rule text for this alternative was drafted following the same outline as the proposed rule (Alternative A).

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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 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 of plan content. 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 uses, including ecosystem services, 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 objective of this part is to guide the collaborative and science-based development, amendment, and revision of land management plans that promote healthy, resilient, diverse, and productive national forests and grasslands. Plans will guide management of NFS lands so that they are ecologically sustainable and contribute to social and economic sustainability, with resilient ecosystems and watersheds, diverse plant and animal communities, and the capacity to provide people and communities with a range of social, economic, and ecological benefits for the present and into the future, including clean water; habitat for fish, wildlife, and plant communities; and opportunities for recreational, spiritual, educational, and cultural sustenance.

(d) The Chief of the Forest Service must establish planning procedures for this part on plan development, plan amendment, or plan revision 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.

(e) This part does not affect treaty rights or valid existing rights established by statute or legal instruments.

(f) 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) 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.

(g) 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.

§ 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.* 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 Act of 1993 (5 U.S.C. 306; 31 U.S.C. 1115–1119; 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) *Forest, grassland, prairie, or other comparable administrative unit.*

(1) A land management plan provides a framework for integrated resource management and for guiding project and activity decisionmaking in 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 unit is best suited, considering the Agency mission, 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. But, a plan may constrain the Agency from authorizing or carrying out actions, and 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, Code of Federal Regulations, Part 261—Prohibitions, Subpart B—Prohibitions in Areas Designated by Order, 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 from the Forest Service Directive System.

(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, 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 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 station director.

(c) *Projects and activities.* 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.

An interdisciplinary team shall develop, revise or amend the land management plan of each unit of the national forest system using an interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

§ 219.4 REQUIREMENTS FOR PUBLIC PARTICIPATION.

The responsible official must use a collaborative and participatory approach to land management planning, in accord with this subpart and consistent with applicable laws, regulations, and policies, by engaging the skills and interests of appropriate combinations of Forest Service staff, consultants, contractors, other Federal agencies, federally recognized Indian Tribes, Alaska Native Corporations, State or local governments, or other interested or affected communities, groups, or persons. The responsible official has the discretion to determine the methods and timing of public involvement opportunities.

§ 219.5 RESERVED.

[To facilitate comparison, rule text for this alternative was drafted following the same outline as the proposed rule (Alternative A). This alternative does not contain any text in this section.]

§ 219.6 RESERVED.

[To facilitate comparison, rule text for this alternative was drafted following the same outline as the proposed rule (Alternative A). This alternative does not contain any text in this section.]

§ 219.7 PLAN DEVELOPMENT OR PLAN REVISION.

(a) *Plan revisions.* A plan revision creates a new plan for the entire unit, 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 (16 U.S.C. 1604(f)(5)). But, the responsible official has the discretion to determine at any time that conditions on a unit have changed significantly such that a plan must be revised .

(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.* The process for developing or revising a plan includes: public notification and participation (§ 219.4 and 219.16), 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. Environmental analysis and documentation for a new plan or plan revision shall be in accord with Forest Service National Environmental Policy Act (NEPA) procedures at 36 CFR part 220.

(d) *Plan components.* Plan components guide future project and activity decisionmaking. The plan must indicate where in the plan area specific plan components apply. Plan components may apply to the entire plan area, to specific management or geographic areas, or to other areas as identified in the plan. Every project and activity must be consistent with the applicable plan components (§ 219.15).

(1) *Required components.* Every plan must include the following 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 reflect 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 intent of the guideline is met. (§ 219.15(d)(3)). Guidelines are established to help achieve a desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.

(v) *Suitability of lands.* Specific lands within a plan area may be identified as suitable for various multiple uses or activities based on the desired conditions applicable to that area. The plan may also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. Suitability does not need to be determined for every multiple use or activity, but every plan must identify those lands not suitable for timber production (§ 219.11).

(2) *Optional 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, and have no specific dates by which they are completed.

(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 uses (§ 219.10), and timber (§ 219.11).

(e) *Other required plan content.* Every plan must:

(i) Include the monitoring program required by § 219.12; and

(ii) Contain information reflecting proposed and possible actions that may occur on the unit during the life of the plan, including expected timber harvest levels, the planned timber sale program, and proportion of probable methods of forest vegetation management practices expected to be used, as required by NFMA (16 U.S.C. 1604(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)).

§ 219.8 SUSTAINABILITY.

Within Forest Service authority and the capability of the plan area, the plan must include components to provide for social, economic, and ecological sustainability as follows:

(a) The plan must include plan components to maintain or restore terrestrial and aquatic ecosystems and watersheds in the plan area; and

(b) The plan must include plan components to guide the unit’s contribution to social and economic conditions relevant to the area influenced by the plan and the distinctive roles and contributions of the unit within the broader landscape.

§ 219.9 DIVERSITY OF PLANT AND ANIMAL COMMUNITIES

Within Forest Service authority, the plan must include components to 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 the multiple-use objectives of a land management plan adopted pursuant to this subpart, 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.

§ 219.10 MULTIPLE USES

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

(a) *Integrated resource management.* 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 §§ 219.7-219.11, the responsible official shall consider aesthetic values, air quality, climate, cultural and heritage resources, fish and wildlife species, forage, geologic features, grazing and rangelands, habitat and habitat

connectivity, recreational values and settings, scenery, soil, surface and subsurface water, timber, trails, vegetation, viewsheds, wilderness, and other relevant resources;

(b) Requirements for plan components for a new plan or plan revision.

(1) The plan components for a new plan or plan revision must provide for:

(i) Sustainable recreation, considering opportunities and access for a range of uses. The plan should identify recreational settings and desired conditions for scenic landscape character.

(ii) Protection of cultural and historic resources;

(iii) Protection of wilderness areas as well as the protection of recommended wilderness areas to protect the ecologic and social values and character for which they might be added to the National Wilderness System;

(iv) Protection of wild and scenic rivers as well as the protection of eligible wild and scenic rivers to protect the values for which they might be added to the national system of wild and scenic rivers until suitability is determined; and

(v) Protection and appropriate management of other designated or recommended areas that exist in the plan area, including research natural areas.

§ 219.11 TIMBER REQUIREMENTS BASED ON NFMA.

In meeting the requirements of §§ 219.8-219.10 and within Forest Service authority, the capability of the plan area, and the fiscal capability of the unit, the plan must provide for multiple uses and ecosystem services, including timber, as follows:

(a) Identification of lands as not suitable and suitable for timber production.

(1) *Lands not suitable for timber production.* The plan must identify lands within the plan area as not suitable 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 of the Forest Service has withdrawn the land from timber production;

(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 available for conducting timber harvest without causing irreversible damage to soil, slope, or other watershed conditions or substantial and permanent impairment of the productivity of the land; or

(v) There is no reasonable assurance that such lands can be adequately restocked within 5 years after final regeneration harvest; and

(vi) The land is not forest land as defined at § 219.19.

(2) *Lands suitable for timber production.* All lands not identified in the plan as not suitable for timber production are suited for timber production. Timber harvest on lands suitable for timber production may be for other multiple-use purposes (16 U.S.C. 1604(k)).

(3) *Review of lands not suitable for timber production.* The responsible official shall review lands identified in the plan as not suitable for timber production at least once every 10 years as required by NFMA (16 U.S.C. 1604(k)), 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.

(b) *Harvest of trees on land not suitable for timber production.*

(1) Where a plan identifies lands as not suitable for timber production, harvesting of trees for the purpose of timber production is prohibited.

(2) The identification in a plan of lands as not suitable for timber production does not preclude the harvest of trees on those lands for other purposes (16 U.S.C. 1604(k)); in particular, timber harvest may be authorized as a tool to assist in achieving or maintaining one or more applicable desired conditions or objectives of the plan. Examples of using timber harvest on lands not suited for timber production may include improving wildlife or fish habitat, thinning to reduce extreme fire risk, or restoring meadow or savanna ecosystems where trees have invaded.

(c) Timber harvest may be approved for salvage, sanitation, or public health or safety, where consistent with the plan.

(d) *Limits on timber harvest on suitable and non-suitable lands.* A plan for a unit on which timber harvest may occur must have plan components to:

(1) Ensure that timber will be harvested from NFS lands only where such harvest would comply with the minimum limits identified in the NFMA (16 U.S.C. 1604 (g)(3)(E) and (F)).

(2) Ensure that harvest is carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources.

(3) Establish maximum size limits for areas to be cut in one harvest operation for administrative units that use clearcutting, seed tree cutting, shelterwood cutting, or other cuts designed to regenerate an even-aged stand of timber. Plan components must include standards limiting the maximize size limits for areas to be cut in one harvest operation, according to geographic areas, forest types, or other suitable classifications. This limit may be less than, but must 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 except as provided in this paragraph. The plan standards must allow for exceeding their limitations on maximum

size openings after appropriate public notice and review by the supervisor of the responsible official who normally would approve the harvest proposal. The plan maximum size openings 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)(iv)).

(4) Limit the quantity of timber that can be removed annually in perpetuity on a sustained-yield basis and provide for departure from this limit, as provided by NFMA. The Chief of the Forest Service 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.

(5) Stands of trees authorized for final regeneration harvest should generally have reached culmination of mean annual increment of growth. This requirement applies only to final 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. Exceptions are permitted (16 U.S.C. 1604(m)) if consistent with the land management plan. If such exceptions are anticipated, the responsible official should include those exceptions in the land management plan as standards or guidelines. The Chief of the Forest Service must include in the Forest Service Directive System, requirements for assuring that even-aged stands of trees scheduled for final regeneration harvest during the planning period have generally reached culmination of mean annual increment of growth with exceptions as permitted by the NFMA (16 U.S.C. 1604(m)).

§ 219.12 MONITORING.

(a) The responsible official shall develop a monitoring program for the plan area, and include it in the plan. The Chief shall provide further guidance in the Forest Service Directive System.

(b) The responsible official has the discretion to set unit monitoring program scope and scale. The responsible official shall consider financial and technical capabilities.

§ 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. A plan amendment is required for the addition, modification, or removal of one or more plan components or a change in how one or more plan components apply to all or part of the plan area.

(b) *Amendment Process.* The responsible official shall:

(1) Document 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.;

(3) Amend plans consistent with Forest Service NEPA procedures. The appropriate NEPA documentation for an amendment may be an EIS, an EA, or a CE, depending upon the scope and scale of the amendment and its likely effects.

(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, including components; changes to plan content other than plan components; or conformance of the plan to new statutory or regulatory requirements.

(1) A change to the monitoring program may be made as part of plan revision or amendment, but also can be made as an administrative change outside of the process for plan revision or amendment. Any change to the monitoring program may be made only after notice to the public (§ 219.16(c)(5)) of the intended change and consideration of public concerns and suggestions.

(2) All other administrative changes may be made following notice (§ 219.16(c)(5)).

§ 219.14 DECISION DOCUMENTS AND PLANNING RECORDS.

(a) *Decision document.* The responsible official shall record approval of a new plan, plan revision, or amendment 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 and the diversity requirements of § 219.9, taking into account the limits of Forest Service authority and the capability of the plan area;

(3) A statement of how the plan, plan revision or plan amendment applies to approved projects and activities (§ 219.15);

(4) The concurrence by the appropriate Research station director with any part of the plan applicable to any designated experimental forests or experimental ranges (§ 219.2(b)(4)); and

(5) The effective date of the approval.

(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; plan decision documents (§ 219.12); the proposed plan, plan revision, or plan amendment; public notices and environmental documents associated with a plan; the monitoring program and monitoring evaluation reports (§ 219.13); and the plan.

(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 revision, or amendment was developed.

§ 219.15 PROJECT AND ACTIVITY CONSISTENCY WITH THE PLAN

(a) *Application to existing authorizations and approved projects or activities.* Every document approving a plan, plan amendment, or plan revision must state whether the plan, plan amendment, or plan revision allows any prior approval of occupancy and use. If a plan approval 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, subject to valid existing rights.

(b) *Application to projects or activities authorized after plan approval.* Projects and activities authorized after approval of a plan, plan amendment, or plan revision must be consistent with the plan.

(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.

§ 219.16 PUBLIC NOTIFICATIONS.

The following public notification requirements apply to plan development, amendment, or revision. Formal notifications may be combined where appropriate.

(a) *When formal public notification is required.* Public notification must be provided at the following times:

(1) To initiate the development of a proposed plan or plan revision, or, when appropriate, a plan amendment;

(2) To invite comments on a proposed plan, plan revision, or plan amendment, and associated environmental analysis. For a new plan, plan revision, or a plan amendment for which a draft environmental impact statement is prepared, the comment period is at

least 90 days. For an amendment for which a draft environmental impact statement 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 and describe how 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, when appropriate under § 219.17(b)(3).

(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 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) For a plan amendment when an official other than the Chief, the Under Secretary, or the Secretary is the responsible official, notices must be published in the newspaper(s) of record. Notification in the *Federal Register* may also be required by Forest Service NEPA procedures;

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

(5) 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.

(d) *Content of public notices.* Public notices required by 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.* A plan, plan amendment, or plan revision is effective 30 days after publication of notice of its approval, except 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, so that the requirements of 36 CFR part 215 or part 218, subpart A, apply. Plans remain in effect until the effective date of a new plan, plan amendment, or plan revision.

(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 the effective date of this part must conform to the requirements of this part.

(2) *Initiating plan amendments.* With respect to plans approved or revised under a prior planning regulation, a 3-year transition period for plan amendments begins on the effective date of this part. During the transition period, plan amendments may be initiated under the provisions of the prior planning regulation, or may conform to the requirements of this part. Plan amendments initiated after the transition period must conform to 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 the effective date of this part, the responsible official may complete the plan, plan amendment, or plan revision in conformance with the provisions of the prior planning regulation, or may conform the plan or plan revision to the requirements of this part. When the responsible official chooses to conform an ongoing planning process to this part, public notice must be made (§ 219.16(a)(6)).

(c) *Plans developed, amended, or revised under a prior planning regulation.* This part supersedes any prior planning regulation. For units with plans developed, amended, or revised using the provisions of a prior planning regulation, no obligations remain from any prior planning regulation, except those that are specifically included in the plan.

§ 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.

Collaborative and participatory approach. 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 towards 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: *Collaboration in NEPA—A Handbook for NEPA Practitioners*. The Forest Service retains decisionmaking authority and responsibility for all decisions throughout the process.

Culmination of mean annual increment of growth. See mean annual increment of growth.

Designated areas. Areas or features within a planning unit with specific management direction that are normally established through a process separate from the land management planning process. Designations may be made by statute or by an administrative process of the Federal executive branch. The Forest Service Directive System contains policy for recognition and establishment of designations. Designated areas include experimental forests, national heritage areas, national monuments, national recreational areas, national scenic trails, research natural areas, scenic byways, wild and scenic rivers, wilderness areas, and wilderness study areas.

Ecosystem. A spatially explicit, relatively homogeneous unit of the Earth that includes all interacting organisms and components of the abiotic environment within its boundaries. An ecosystem is commonly described in terms of its: (1) *Composition*. Major vegetation types, rare communities, aquatic systems, and riparian systems. (2) *Structure*. Vertical and horizontal distribution of vegetation, stream habitat complexity, and riparian habitat components. (3) *Function*. Ecological processes such as stream flows, nutrient cycling, and disturbance regimes. (4) *Connectivity*. Habitats that exist for breeding, feeding, or movement of wildlife and fish within species home ranges or migration areas.

Ecosystem services. Benefits people obtain from ecosystems, including: (1) Provisioning services, such as clean air and fresh water, as well as 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, esthetic, spiritual, and cultural heritage values, as well as recreational experiences and tourism opportunities.

Environmental assessment (EA). See definition in § 219.62.

Environmental document. Includes an environmental assessment, environmental impact statement, finding of no significant impact, categorical exclusion, and notice of intent.

Environmental impact statement. 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.

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 unit that has one or more applicable plan components. A geographic area may overlap with a management area.

Health(y). The degree of ecological integrity that is related to the completeness or wholeness of the composition, structure, and function of native ecosystems existing within the inherent capability of the land.

Landscape. A spatial mosaic of terrestrial and aquatic ecosystems, landforms, and plant communities across a defined area irrespective of ownership or other artificial boundaries and repeated in similar form throughout.

Landscape character. A combination of physical, biological, and cultural images that gives an area its visual and cultural identity and helps to define a "sense of place." Landscape character provides a frame of reference from which to determine scenic attractiveness and to measure scenic integrity.

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

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 over time and space 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 they are used 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 the use to conform to changing needs and conditions; recognizing that some lands will be used for less than all of the resources; and providing for 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). Ecosystem services are included as part of all the various renewable surface resources of the NFS.

National Forest System. See definition in § 219.62.

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.

Plan or land management plan. A document or set of documents that describe management direction for an administrative unit of the NFS.

Plan area. The National Forest System lands covered by a plan.

Plant and animal communities. A naturally occurring assemblage of plant and animal species living within a defined area or habitat.

Potential wilderness areas. All areas within the National Forest System lands that satisfy the definition of wilderness found in section 2(c) of the 1964 Wilderness Act. Inventory criteria are listed in Forest Service Handbook 1909.12 – Land Management Planning Handbook, Chapter 70 – Wilderness Evaluation.

Productivity. The capacity of National Forest System 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, not an economic, term.

Project. An organized effort subject to NEPA to achieve an outcome identified by location, tasks, outputs, effects, times, and responsibilities for execution.

Recreational setting. The surroundings or the environment for the recreational activities. The Forest Service uses the recreational opportunity spectrum that defines six recreational opportunity classes that provide different settings for recreational use: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban.

Resilience. The capacity of a system to absorb disturbance and reorganize while undergoing change so as to still retain essentially the same function, structure, identity, and feedbacks.

Responsible official. See definition in § 219.62.

Risk. A combination of the likelihood that a negative outcome will occur and the severity of the subsequent negative consequences.

Sustainability. Capability of meeting the needs of the present generation without compromising the ability of future generations to meet their needs.

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.

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

Provisions at Subpart B are identical to Alternative A.

Appendix F – Alternative D

§ 219.4 Requirements for public participation. 1
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This alternative was designed to evaluate additional protections for watersheds and an alternative approach to diversity of plant and animal communities. These approaches were addressed together because they both involve requirements for plan content for resource protection, as opposed to other issues that are concerned with procedural requirements. This alternative consists of the proposed rule (Alternative A) with additional and replacement direction focused on coordination requirements at § 219.4, assessment requirements at § 219.6, sustainability requirements at § 219.8, species requirements at § 219.9, monitoring requirements at § 219.12, and some additional and alternative definitions at § 219.19.

Instead of repeating all of the rule text common to both this alternative and the proposed rule, text of this alternative is displayed in a side-by-side format to demonstrate how and where it differs from the proposed rule.

Alternative A	Alternative D
§ 219.4 REQUIREMENTS FOR PUBLIC PARTICIPATION.	
<p>(a) <i>Providing opportunities for participation.</i> 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. 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</p>	<p><i>[Provisions at § 219.4 (a) are identical to Alternative A]</i></p>

Alternative A	Alternative D
<p>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.</p> <p>(1) <i>Scope, methods, and timing.</i> The responsible official shall provide opportunities 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 information. 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.</p> <p>(2) <i>Participation opportunities for individual members of the public and entities.</i> The responsible official shall encourage participation by interested individuals and entities, including those interested at the local, regional, and national levels.</p> <p>(3) <i>Participation opportunities for youth, low-income populations, and minority populations.</i> The responsible official shall encourage participation by youth, low-income populations, and minority populations.</p> <p>(4) <i>Participation opportunities for private landowners.</i> The responsible official shall encourage participation by private landowners whose lands are in, adjacent to, or otherwise affected by, or whose actions may impact, future management actions in the plan area.</p> <p>(5) <i>Consultation with federally recognized Indian Tribes and Alaska Native Corporations.</i> The Department recognizes the Federal Government's trust responsibility for federally recognized Indian Tribes. The</p>	

Alternative A	Alternative D
<p>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 in accordance with Executive Order 13175 of November 6, 2000 and 25 U.S.C. 450 note.</p> <p><i>(6) Participation opportunities for federally recognized Indian Tribes and Alaska Native Corporations.</i> The responsible official shall encourage participation in the planning process by interested or affected federally recognized Indian Tribes or Alaska Native Corporations. The responsible official may participate in planning efforts of federally recognized Indian Tribes and Alaska Native Corporations, where practicable and appropriate.</p> <p><i>(7) Native knowledge, indigenous ecological knowledge, and land ethics.</i> As part of tribal participation and consultation as set forth in paragraphs (a)(5) and (6) of this section, the responsible official shall request information about native knowledge, land ethics, cultural issues, and sacred and culturally significant sites.</p> <p><i>(8) Participation opportunities for other Federal agencies, federally recognized Tribes, States, counties, and local governments.</i> The responsible official shall provide opportunities for other government agencies to participate in planning for NFS lands. Where appropriate, the responsible official shall encourage federally recognized Tribes, States, counties, and other local governments to seek cooperating agency status in the NEPA process for a plan development, amendment, or revision. The responsible official may participate in planning efforts of States, counties, local</p>	

Alternative A	Alternative D
<p>governments, and other Federal agencies, where practicable and appropriate.</p> <p>(b) <i>Coordination with other public planning efforts.</i> (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, to the extent practicable and appropriate.</p> <p>(2) For plan development or revision, the responsible official shall review the planning and land use policies of federally recognized Indian Tribes, 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 for the plan (40 CFR 1502.16(c), 1506.2). The review shall include consideration of:</p> <p>(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;</p> <p>(ii) The compatibility and interrelated impacts of these plans and policies;</p> <p>(iii) Opportunities for the plan to address the impacts identified or contribute to joint objectives; and</p> <p>(iv) Opportunities to resolve or reduce conflicts, within the context of achieving the Forest Service desired conditions or objectives.</p> <p>(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 planning area, nor will the responsible official conform management to meet non-Forest Service objectives or</p>	<p><i>[Provisions at § 219.4(b) are identical to Alternative A]</i></p>

Alternative A	Alternative D
<p>policies.</p>	<p><i>(c) Coordination for species viability.</i></p> <p>(1) Management coordination – If a population is distributed across more than one planning area, plan development and management, assessments and monitoring for each planning area shall be coordinated to provide for viable populations of native and desired non-native species within each planning area.</p> <p>(2) Interagency coordination - to the maximum extent practicable and consistent with applicable law, the agency shall coordinate at the landscape level the management of planning areas with the management of the National Forest System, Public Lands, the National Wildlife Refuge System and National Park System, other Federal agencies, State fish and wildlife agencies, other State agencies with responsibility for management of natural resources, tribes, local governments, and non-governmental organizations engaged in species conservation in order to:</p> <p>(i) maintain viable populations of native and desired non-native species;</p> <p>(ii) develop strategies to address the impacts of global climate change on plant and animal communities;</p> <p>(iii) establish linkages between habitats and discrete populations;</p> <p>(iv) develop, where appropriate and practicable, joint resource management plans; and</p> <p>(v) conduct other joint efforts in support of maintaining viable populations of native and desired non-native species across jurisdictional boundaries</p> <p>(3) Coordination with conservation activities</p>

Alternative A	Alternative D
	<p>-In planning for the management of lands for the purpose of maintaining viable populations of native and desired non-native species within a planning area, the agency shall, to the maximum extent practicable and consistent with Federal law:</p> <p>(i) consult with and offer opportunities for participation to adjoining Federal, State, tribal, local, and private landowners, State and tribal fish and wildlife agencies, and other State and tribal agencies with responsibility for management of natural resources; and</p> <p>(ii) coordinate such management planning with relevant conservation plans for fish, plants, and wildlife and their habitats, including State comprehensive wildlife strategies and other State conservation strategies for species, National Fish Habitat partnerships, North American Wetland Conservation Joint Ventures, and the Federal-State-private partnership known as Partners in Flight.</p>

§ 219.6 ASSESSMENTS.

Assessments may range from narrow in scope to comprehensive, depending on the issue or set of issues to be evaluated, and should consider relevant ecological, economic, and social conditions, trends, and sustainability within the context of the broader landscape. The responsible official has the discretion to determine the scope, scale, and timing of an assessment, subject to the requirements of this section.

(a) *Process for plan development or revision assessments.* One or more assessments must be conducted for the development of a new plan or for a plan revision. The responsible official shall:

(1) Notify and encourage the public and

[Provisions at § 219.6 through § 219.6(a)(5) are identical to Alternative A]

Alternative A	Alternative D
<p>appropriate Federal agencies, States, local governments, other entities, and scientists to participate in the assessment process (§§ 219.4 and 219.16).</p> <p>(2) Notify and encourage potentially interested or affected federally recognized Indian Tribes and Alaska Native Corporations to participate in the assessment process (§§ 219.4 and 219.16).</p> <p>(3) Coordinate with the regional forester, Agency staff from State and Private Forestry and Research and Development, and other governmental and non-governmental partners to consolidate existing information and leverage resources for additional information needs.</p> <p>(4) Document the assessment in a report or set of reports available to the public. Document in the report(s) how the relevant best available scientific information was taken into account (§ 219.3), and include the report(s) in the planning record (§ 219.14).</p> <p>(5) Identify in the report how a new plan should be proposed, or identify a potential need to change an existing plan, based on the assessment.</p> <p><i>(b) Content of assessments for plan development or revision.</i> In the assessment(s) for plan development or revision, the responsible official shall:</p> <p>(1) Identify and evaluate information needed to understand and assess existing and potential future conditions and stressors in order to inform and develop required plan components and other content in the plan (§ 219.7), including plan components for sustainability (§ 219.8), diversity of plant and animal communities (§ 219.9), multiple uses (§ 219.10), and timber requirements based on NFMA (§ 219.11).</p>	<p><i>[Provisions at § 219.6(b) through § 219.6(b)(5) are identical to Alternative A]</i></p>

Alternative A	Alternative D
<p>(2) Identify and consider relevant information contained in governmental or non-governmental assessments, plans, monitoring evaluation reports, and studies, including relevant neighboring land management plans. Such documents 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, and State wildlife action plans. Relevant private information will be considered if voluntarily provided.</p> <p>(3) Identify the distinctive roles and contributions of the unit within the context of the broader landscape, considering the roles of the unit in providing multiple uses, including ecosystem services, from the NFS lands to the local area, region, and Nation. The unit’s distinctive roles and contributions within the broader landscape are those for which the unit is best suited, considering the Agency mission, unique capabilities, and the resources and management of other lands in the vicinity.</p> <p>(4) Identify potential monitoring questions or information needs to inform the development or modification of the unit’s monitoring program.</p>	<p>(6) Prepare watershed-scale assessments including an assessment of climate change vulnerability, using the best available science, to provide information on the ecological status – aquatic, riparian, and terrestrial – of watersheds within the planning unit. Managers will use information gathered during the watershed assessment to refine default Conservation Area boundaries and develop monitoring programs.</p> <p>(7) Identify key watersheds that are areas of highest quality habitat for native fish,</p>

Alternative A	Alternative D
<p>(c) <i>Plan amendment assessments.</i> (1) A plan amendment must be based on a documented need to change the plan. This documentation may be a new assessment; may be a monitoring report; or may be other documentation of new information, changed conditions, or changed circumstances. Where the responsible official determines that a new assessment is needed to inform the need for an amendment, the responsible official has the discretion to determine the scope, scale, process, and content for the assessment depending on the issue or issues to be addressed.</p> <p>(2) 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 documented need to change the plan.</p>	<p>amphibians, and for species of reptiles, mammals, and birds known to be highly dependent on aquatic habitats.</p> <p>(b) To provide the basis for complying with 219.9(a) the Secretary shall utilize the best available science to determine:</p> <p>(1) current and historic ecological conditions and trends, including the effects of global climate change;</p> <p>(2) ecological conditions required to support viable populations of native species and desired non-native species within the planning area; and</p> <p>(3) current and likely future viability of focal species within the planning area.</p> <p><i>[Provisions at § 219.6(c) are identical to Alternative A]</i></p>
<p>§ 219.8 SUSTAINABILITY.</p>	
<p>Within Forest Service authority and consistent with the inherent capability of the plan area, the plan must provide for social, economic, and ecological sustainability, as</p>	<p><i>[This provision at § 219.8 is identical to Alternative A]</i></p>

Alternative A	Alternative D
<p>follows:</p> <p>(a) Ecological sustainability. (1) <i>Ecosystem plan components</i>. The plan must include plan components to maintain or restore the structure, function, composition, and connectivity of healthy and resilient terrestrial and aquatic ecosystems and watersheds in the plan area, taking into account:</p> <p>(i) Landscape-scale integration of terrestrial and aquatic ecosystems;</p> <p>(ii) Potential system drivers, stressors, and disturbance regimes, how they might affect ecosystem and watershed health and resilience, and the ability of those systems on the unit to adapt to change;</p> <p>(iii) Air quality; and</p> <p>(iv) Wildland fire and opportunities to restore fire adapted ecosystems.</p> <p>(2) <i>Ecosystem elements</i>. The plan must include plan components to maintain, protect, or restore:</p> <p>(i) Aquatic elements, such as lakes, streams, wetlands, stream banks, and shorelines;</p> <p>(ii) Terrestrial elements, such as forest stands, grasslands, meadows, and other</p>	<p><i>[The provisions at § 219.8(a) through § 219.8(a)(1)(iv) are identical to Alternative A]</i></p> <p>(v) Key watersheds across the planning unit in order to establish a network that can serve as anchor points for the protection, maintenance, and restoration of broad scale processes and recovery of broadly distributed species; and—</p> <p>(vi) Spatial connectivity within or between watersheds, including lateral, longitudinal, and drainage network connections between floodplains, wetlands, upslope areas, headwater tributaries, and intact habitat refugia.</p> <p><i>[Provisions at § 219.8(a)(2) are identical to Alternative A]</i></p>

Alternative A	Alternative D
<p>habitat types;</p> <p>(iii) Rare aquatic and terrestrial plant and animal communities, consistent with § 219.9;</p> <p>(iv) Public water supplies, sole source aquifers, source water protection areas, groundwater, and other bodies of water (including guidance to prevent or mitigate detrimental changes in quantity, quality, and availability, including temperature changes, blockages of water courses, and deposits of sediments); and</p> <p>(v) Soils and soil productivity (including guidance to reduce soil erosion and sedimentation).</p> <p>(3) <i>Riparian areas</i>. The plan must include plan components to maintain, protect, or restore riparian areas (RAs). Plans must establish a default width for riparian areas around all lakes, perennial or intermittent streams, and open water wetlands, within which these plan components will apply. The default may be a standard width for all lakes, perennial or intermittent streams, and open water wetlands, or may vary based on ecologic or geomorphic factors, or the type of waterbody. The default width will apply unless the actual riparian area for a waterbody or a site has been delineated based on best available scientific information.</p>	<p>(3) <i>Riparian areas</i>.</p> <p>Each plan must include standards and guidelines for—</p> <p>(i) Establishment of Riparian Conservation Areas based on the best available science. Until these riparian conservation areas are established, the minimum standard buffer for riparian conservation areas shall be no less than 100 feet on each side of the stream at bank-full flow, unless the stream has an intermittently or potentially shifting channel course, in which case the default buffer must start from the edge of the 200-year channel migration zone.</p> <p>(ii) Protection, maintenance, and restoration of Riparian Conservation areas, such that—</p> <p>(A) management activities within riparian conservation areas are primarily for restoration.</p> <p>(B) activities within riparian conservation areas that are not for restoration such as construction of new facilities (for example boat landings, road and trail crossings or campsites) must be designed using best available science to minimize impacts to the</p>

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<p>(b) <i>Social and economic sustainability.</i> The plan must include plan components to guide the unit’s contribution to social and economic sustainability, taking into account:</p> <p>(1) Social, cultural, and economic conditions</p>	<p>ecological function of the area.</p> <p>(4) <i>Watershed standards and guidelines.</i> Each plan must include standards and guidelines for—</p> <p>(i) Biological and biophysical connectivity of key watersheds across the planning unit.</p> <p>(ii) Road densities in key watersheds to achieve sediment reduction, minimized alteration of surface and subsurface flows, and connectivity of aquatic and riparian habitat.</p> <p>(iii) Maintenance and restoration of lakes, streams, wetlands, public water supplies, source water protection areas, groundwater, other bodies of water, instream flows, and thermal refugia, and protection of these resources from detrimental changes in quantity (subject to existing rights) and quality, including temperature, blockages of water courses, deposits of sediments</p> <p>(iv) Protection, maintenance, and restoration of a natural range of variability in sediment regime. Elements of the sediment regime include the timing, volume, rate, and character if sediment input, storage, and transport.</p> <p>(v) Sustaining soil productivity and preventing soil erosion and sedimentation.</p> <p>(vi) Road removal and remediation in riparian conservation areas and key watersheds as the top restoration priority</p> <p>(vii) A minimum necessary road systems as required by 36 CFR 212.5(b)(1) and (2).</p> <p><i>[Provisions at § 219.8(b) are identical to Alternative A]</i></p>

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<p>relevant to the area influenced by the plan and the distinctive roles and contributions of the unit within the broader landscape;</p> <p>(2) Sustainable recreational opportunities and uses;</p> <p>(3) Multiple uses, including ecosystem services, that contribute to local, regional, and national economies in a sustainable manner; and</p> <p>(4) Cultural and historic resources and uses.</p>	
<p>§ 219.9 DIVERSITY OF PLANT AND ANIMAL COMMUNITIES</p>	<p>219.9 SPECIES VIABILITY</p>
<p>Within Forest Service authority and consistent with the inherent capability of the plan area, the plan must include plan components to maintain the diversity of plant and animal communities, as follows:</p> <p>(a) <i>Ecosystem Diversity</i>. The plan must include plan components to maintain or restore the structure, function, composition, and connectivity of healthy and resilient terrestrial and aquatic ecosystems and watersheds in the plan area, consistent with § 219.8(a), to maintain the diversity of native species.</p> <p>(b) <i>Species Conservation</i>. The plan components must provide for the maintenance or restoration of ecological conditions within the plan area to:</p> <p>(1) Contribute to the recovery of threatened and endangered species;</p> <p>(2) Conserve candidate species; and</p> <p>(3) Maintain viable populations of species of conservation concern within the plan area. Where it is beyond the authority of the Forest Service or the inherent capability of the plan area to do so, the plan components must</p>	<p>(a) <i>Management Direction</i>. The Secretary shall develop plans for and manage plan areas to provide viable populations of native and desired non-native species within the planning area, except that management for desired non-native species shall not interfere with the maintenance of viable populations of native species within a planning area.</p> <p>(b) <i>Extrinsic Conditions</i>. If the Secretary determines based upon the best available science and after providing notice to the public by publication in the Federal Register and opportunity for public comment for a period of at least 60 days, that conditions outside the authority of the Secretary make it impossible to comply with paragraph (a) of this section with respect to any species' population within the planning area, the agency shall: 1) to the maximum extent practicable provide for the viability of that population; and 2) ensure that any activity authorized, funded or carried out within the planning area does not increase the likelihood of extirpation of the population in such planning area.</p>

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<p>provide for the maintenance or restoration of ecological conditions to contribute to the extent practicable to maintaining a viable population of a species within its range. When developing 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 where the population exists.</p> <p>(c) <i>Diversity of tree and other plant species.</i> The plan must include plan components to preserve, where appropriate, and to the degree practicable, the diversity of native tree and other native plant species similar to that existing in the plan area, as required by NFMA (16 U.S.C. 1604(g)(3)(B)).</p>	<p><i>[Provisions at § 219.9(c) are identical to Alternative A]</i></p>
<p>§ 219.12 MONITORING.</p>	
<p>(a) <i>Unit monitoring program.</i> (1) The responsible official shall develop a unit monitoring program for the plan area, and include it in the plan. The development of the monitoring program must be coordinated with the regional forester and Agency staff from State and Private Forestry, and Research and Development. Responsible officials for two or more administrative units may jointly develop their unit monitoring programs.</p> <p>(2) The unit monitoring program sets out the unit monitoring questions and associated indicators. Monitoring questions and associated indicators must be designed to inform the management of resources on the unit, including by testing relevant assumptions, tracking relevant changes, and measuring management effectiveness and progress toward achieving or maintaining desired conditions or objectives. Questions and indicators should be based on one or more desired conditions, objectives, or other plan component in the plan, but not every</p>	<p><i>[Provisions at § 219.12(a)(1) through § 219.12(a)(5)(i) are identical to Alternative A]</i></p>

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<p>plan component needs to have a corresponding monitoring question.</p> <p>(3) The unit 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.</p> <p>(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 unit monitoring program, after considering:</p> <ul style="list-style-type: none"> (i) Information needs identified through the planning process as most critical for informed management of resources on the unit; (ii) Existing best available scientific information; and (iii) Financial and technical capabilities of the Agency. <p>(5) Each unit monitoring program must contain one or more monitoring questions or indicators addressing each of the following:</p> <ul style="list-style-type: none"> (i) The status of select watershed conditions. (ii) The status of select ecological conditions. (iii) The status of focal species; 	<p>(ii) The status and trends of ecological conditions within the planning area, including critical values for ecological conditions and focal species that trigger reviews of planning and management decisions to achieve compliance with 219.9(a);</p> <p>Population surveys, of focal species using methods to assess the degree to which ecological conditions within the planning area are supporting a diversity of plant and animal communities within the planning area, such as presence/absence occupancy</p>

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<p>(iv) The status of visitor use and progress towards meeting recreational objectives.</p> <p>(v) Measurable changes on the unit related to climate change and other stressors on the unit;</p> <p>(vi) The carbon stored in above ground vegetation;</p> <p>(vii) The progress towards fulfilling the unit’s distinctive roles and contributions to ecologic, social, and economic conditions of the local area, region, and Nation.</p> <p>(viii) The effects of management systems to determine that they do not substantially and permanently impair the productivity of the land (16 U.S.C. 1604(g)(3)(C)).</p> <p>(6) A range of monitoring techniques may be used to carry out the monitoring requirements in paragraph (a)(5) of this section.</p> <p>(7) This section does not apply to projects or activities; project and activity monitoring may be used to gather information, but monitoring is not a prerequisite for carrying out a project or activity.</p> <p>(b) <i>Broader-scale monitoring strategies.</i> (1) The regional forester shall develop a broader-scale monitoring strategy for unit monitoring questions that can best be answered at a geographic scale broader than one unit.</p> <p>(2) When developing a monitoring strategy, the regional forester shall coordinate with the relevant responsible officials, and Agency staff from State and Private Forestry, and</p>	<p>modeling, traditional count-based methods and genetic monitoring;</p> <p><i>[Provisions at § 219.12(a)(5)(iv) through § 219.12(a)(5)(vii) are identical to Alternative A]</i></p> <p>(viii) The validity of the assessments developed under 219.6(b)</p> <p><i>[Provisions at § 219.12(a)(6) through § 219.12(a)(7) are identical to Alternative A]</i></p> <p><i>[Provisions at § 219.12(b) are identical to Alternative A]</i></p>

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<p>Research and Development, partners, and the public. Two or more regional foresters may jointly develop broader-scale monitoring strategies.</p> <p>(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.</p> <p>(4) Projects and activities may be carried out under plans developed, amended, or revised under this part before the regional forester has developed a broad scale monitoring strategy.</p> <p><i>(c) Timing and process for developing the unit monitoring program and broader-scale strategies.</i> (1) In the assessment phase, the responsible official shall work with the public to identify potential monitoring needs relevant to inform effective management (§ 219.6).</p> <p>(2) The responsible official shall develop the unit monitoring program as part of the planning process for a new plan development or plan revision. Where a unit’s monitoring program has been developed under the provisions of a prior planning regulation and the unit has not initiated plan revision, the responsible official shall change the unit monitoring program within 4 years of the effective date of this part, or as soon as practicable, to meet the requirements of this section.</p> <p>(3) The regional forester shall develop a broader-scale monitoring strategy as soon as is practicable.</p> <p>(4) The responsible official and regional forester shall ensure that scientists are involved in the design and evaluation of unit and broad scale monitoring.</p>	<p><i>[Provisions at § 219.12(c) are identical to Alternative A]</i></p>

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<p>(5) To the extent practicable, appropriate, and relevant to the monitoring questions in the program, unit monitoring programs and broader-scale strategies must be designed to take into account:</p> <p>(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 parties;</p> <p>(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</p> <p>(iii) Opportunities to design and carry out monitoring with federally recognized Indian Tribes and Alaska Native Corporations.</p> <p>(d) <i>Biennial evaluation of the monitoring information.</i> (1) The responsible official shall conduct a biennial evaluation of new information gathered through the unit 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. The evaluation must indicate whether a change to the plan, management activities, or monitoring program may be warranted based on the new information; whether a new assessment should be conducted; or that no amendment, revision, or administrative change is needed.</p> <p>(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 approval.</p> <p>(ii) Where the monitoring program developed under the provisions of a prior</p>	<p><i>[Provisions at § 219.12(d) are identical to Alternative A]</i></p>

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<p>planning regulation has been changed 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.</p> <p>(iii) The monitoring evaluation report must describe how best available scientific information was taken into account (§ 219.3).</p> <p>(2) The monitoring evaluation report may be incorporated into other planning documents if the responsible official has initiated a plan revision or relevant amendment.</p> <p>(3) The monitoring evaluation report may be postponed for one 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)(5)).</p> <p>(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.</p>	
§ 219.19 DEFINITIONS	
<p>Definitions of the special terms used in this subpart are set out as follows.</p> <p><i>Alaska native corporation.</i> One of the regional, urban, and village native corporations formed under the Alaska Native Claims Settlement Act of 1971.</p> <p><i>Assessment.</i> A synthesis of information in support of land management planning to determine whether a change to the plan is needed. Assessments are not decisionmaking documents but provide current information on select issues. An assessment report on the need to change the plan may range from a many page broad scale comprehensive report to a one-page report, depending on the scope and scale of issues driving the need to</p>	<p>Definitions of the special terms used in this subpart are set out as follows.</p> <p><i>[Only additional definitions or those that would differ from Alternative A are presented here. All other definitions in § 219.19 are identical to Alternative A]</i></p>

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<p>change.</p> <p><i>Collaboration.</i> 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 towards 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: Collaboration in NEPA—A Handbook for NEPA Practitioners. The Forest Service retains decisionmaking authority and responsibility for all decisions throughout the process.</p> <p><i>Connectivity.</i> Pertaining to the extent to which conditions exist or should be provided between separate national forest or grassland areas to ensure habitat for breeding, feeding, or movement of wildlife and fish within their home range or migration areas.</p> <p><i>Conservation.</i> The protection, preservation, management, or restoration of natural environments and ecological communities.</p> <p><i>Culmination of mean annual increment of growth.</i> See mean annual increment of growth.</p> <p><i>Designated areas.</i> Areas or features within a planning unit with specific management direction that are normally established through a process separate from the land management planning process. Designations may be made by statute or by an administrative process of the Federal executive branch. The Forest Service Directive System contains policy for recognition and establishment of designations. Designated areas include experimental forests, national heritage areas, national monuments, national recreational areas, national scenic trails, research natural areas, scenic byways, wild and scenic rivers,</p>	

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<p>wilderness areas, and wilderness study areas.</p> <p><i>Disturbance.</i> 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.</p> <p><i>Ecological conditions.</i> The biological and physical environment that can affect diversity of plant and animal communities and the productive capacity of ecological systems. 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.</p> <p><i>Ecological system.</i> See ecosystem.</p> <p><i>Economic system.</i> The system of production, distribution, and consumption of goods and services including consideration of jobs and income.</p> <p><i>Ecosystem.</i> 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. Major vegetation types, rare communities, aquatic systems, and riparian systems. (2) Structure. Vertical and horizontal distribution of vegetation, stream habitat complexity, and riparian habitat elements. (3) Function. Ecological processes such as stream flows, nutrient cycling, and disturbance regimes. (4) Connectivity. Habitats that exist for breeding, feeding, or movement of wildlife</p>	<p><i>Desired non-native species.</i> Those wild species of plants or animals that are not indigenous to a planning area but are valued for their contribution to species diversity or their social, cultural, or economic value.</p> <p><i>Ecological Conditions.</i> Elements of the biological and physical environment that can affect species viability, including the historical range of diversity of ecological systems within a planning area, the abundance and distribution of aquatic and terrestrial habitats, roads and other structural developments, human uses, and invasive and exotic species.</p>

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<p>and fish within species home ranges or migration areas.</p> <p><i>Ecosystem diversity.</i> The variety and relative extent of ecosystem types, including their composition, structure, and processes.</p> <p><i>Ecosystem services.</i> Benefits people obtain from ecosystems, including: (1) <u>Provisioning services</u>, such as clean air and fresh water, as well as energy, fuel, forage, fiber, and minerals; (2) <u>Regulating services</u>, such as long term storage of carbon; climate regulation; water filtration, purification, and storage; soil stabilization; flood control; and disease regulation; (3) <u>Supporting services</u>, such as pollination, seed dispersal, soil formation, and nutrient cycling; and (4) <u>Cultural services</u>, such as educational, esthetic, spiritual, and cultural heritage values, as well as recreational experiences and tourism opportunities.</p> <p><i>Environmental assessment (EA).</i> See definition in § 219.62.</p> <p><i>Environmental document.</i> Includes an environmental assessment, environmental impact statement, finding of no significant impact, categorical exclusion, and notice of intent to prepare an environmental impact statement.</p> <p><i>Environmental impact statement.</i> See definition in § 219.62.</p> <p><i>Even-aged stand.</i> A stand of trees composed of a single age class.</p> <p><i>Federally recognized Indian Tribe.</i> 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.</p>	

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<p><i>Focal species.</i> A small number of species selected for monitoring whose status is likely to be responsive to changes in ecological conditions and effects of management. Monitoring the status of focal species is one of many ways to gauge progress towards achieving desired conditions in the plan.</p> <p><i>Forest land.</i> 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.</p> <p><i>Geographic area.</i> A spatially contiguous land area identified within the planning. A geographic area may overlap with a management area.</p> <p><i>Health(y).</i> The degree of ecological integrity that is related to the completeness or wholeness of the composition, structure, and function of native ecosystems existing within the inherent capability of the land.</p> <p><i>Independent peer review.</i> The process of subjecting an author's document using accepted practices to the scrutiny of others who are experts in the same field, before the document is published. A peer is a person who has substantially equal knowledge and standing in relation to the author.</p> <p><i>Landscape.</i> A spatial mosaic of terrestrial and aquatic ecosystems, landforms, and plant communities across a defined area irrespective of ownership or other artificial boundaries and repeated in similar form</p>	<p><i>Focal species.</i> Species selected, based on the best available science, for assessment and monitoring because their population status and trends are likely to be responsive to changes in ecological conditions, and provide reliable and meaningful information regarding the effectiveness of planning and management decisions in maintaining a diversity of plant and animal communities within the planning area. A species-at-risk also may be selected as a focal species.</p>

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<p>throughout.</p> <p><i>Landscape character.</i> A combination of physical, biological, and cultural images that gives an area its visual and cultural identity and helps to define a "sense of place." Landscape character provides a frame of reference from which to determine scenic attractiveness and to measure scenic integrity.</p> <p><i>Management area.</i> A land area identified within the planning unit that has the same set of applicable plan components. A management area does not have to be spatially contiguous.</p> <p><i>Mean annual increment of growth and culmination of mean annual increment of growth.</i> 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.</p> <p><i>Monitoring.</i> A systematic process of collecting information over time and space to evaluate effects of actions or changes in conditions or relationships.</p> <p><i>Multiple use.</i> The management of all the various renewable surface resources of the NFS so they are used 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 the use to conform to</p>	

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<p>changing needs and conditions; recognizing that some lands will be used for less than all of the resources; and providing for 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). Ecosystem services are included as part of all the various renewable surface resources of the NFS.</p> <p><i>National Forest System land.</i> See definition in § 219.62.</p> <p><i>Native knowledge.</i> 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.</p> <p><i>Newspaper(s) of record.</i> See definition in § 219.62.</p> <p><i>Objection.</i> See definition in § 219.62.</p> <p><i>Online.</i> See definition in § 219.62.</p> <p><i>Participation.</i> Activities that include a wide range of public involvement tools and</p>	

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<p>processes, such as collaboration, public meetings, open houses, workshops, and comment periods.</p> <p><i>Plan or land management plan.</i> A document or set of documents that describe management direction for an administrative unit of the NFS.</p> <p><i>Plan area.</i> The National Forest System lands covered by a plan</p> <p><i>Plant and animal communities.</i> A naturally occurring assemblage of plant and animal species living within a defined area or habitat.</p> <p><i>Potential wilderness areas.</i> All areas within the National Forest System lands that satisfy the definition of wilderness found in section 2(c) of the 1964 Wilderness Act. Inventory criteria are listed in Forest Service Handbook 1909.12 – Land Management Planning Handbook, Chapter 70 – Wilderness Evaluation.</p> <p><i>Productivity.</i> The capacity of National Forest System 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, not an economic, term.</p> <p><i>Project.</i> An organized effort to achieve an outcome on NFS lands identified by location, tasks, outputs, effects, times, and responsibilities for execution.</p>	<p><i>Planning Area.</i> The geographic area of National Forest System lands covered by an individual land and resource management plan. The planning area may include one or more administrative units.</p> <p><i>Plan and Management Decisions.</i> Includes but is not limited to: desired ecological conditions; objectives; designation of management areas; standards; suitability determinations; monitoring plans; and special area designations.</p>

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<p><i>Recreational setting.</i> The surroundings or the environment for the recreational activities. The Forest Service uses the recreational opportunity spectrum that defines six recreational opportunity classes that provide different settings for recreational use: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban.</p> <p><i>Resilience.</i> The capacity of a system to absorb disturbance and reorganize while undergoing change so as to still retain essentially the same function, structure, identity, and feedbacks.</p> <p><i>Responsible official.</i> See definition in § 219.62.</p> <p><i>Restoration.</i> The process of assisting the recovery of resilience and the capacity of a system to adapt to change if the environment where the system exists has been degraded, damaged, or destroyed. Ecological restoration focuses on reestablishing ecosystem functions by modifying or managing the composition, structure, arrangement, and processes necessary to make terrestrial and aquatic ecosystems sustainable, and resilient under current and future conditions.</p> <p><i>Riparian areas.</i> A transition area between the aquatic ecosystem and the adjacent terrestrial ecosystem that is geographically delineable with distinctive resource values and characteristics; identified by soil characteristics or distinctive vegetation communities that require free or unbound water.</p> <p><i>Risk.</i> A combination of the likelihood that a negative outcome will occur and the severity of the subsequent negative consequences.</p> <p><i>Sole Source aquifer.</i> A porous geologic formation, usually consisting of sand and</p>	

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<p>gravel, that holds ground water, and designated by the Environmental Protection Agency because it supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer, and where contamination would present both a significant public health hazard and an economic hardship in the high cost of replacing the contaminated water.</p> <p><i>Source water protection areas.</i> 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.</p> <p><i>Species of conservation concern.</i> Species other than federally listed threatened or endangered species or candidate species, for which the responsible official has determined that there is evidence demonstrating significant concern about its capability to persist over the long-term in the plan area.</p> <p><i>Sustainability.</i> Capability of meeting the needs of the present generation without compromising the ability of future generations to meet their needs.</p> <p><i>Sustainable recreation.</i> The set of recreational opportunities, uses and access that, individually and combined, are ecologically, economically, and socially sustainable, allowing the responsible official to offer recreation opportunities now and into</p>	<p><i>Species-at-risk.</i> 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.</p>

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<p>the future. Recreational opportunities can include non-motorized, motorized, developed, and dispersed recreation on land, water, and air.</p> <p><i>System drivers.</i> Natural or human-induced factors that directly or indirectly cause a change in an ecosystem, such as climate change, habitat change, or non-native invasive species, human population change, economic activity, or technology.</p> <p><i>Timber harvest.</i> The removal of trees for wood fiber use and other multiple-use purposes.</p> <p><i>Timber production.</i> 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.</p> <p><i>Viable population.</i> 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.</p> <p><i>Watershed.</i> A region or land area drained by a single stream, river, or drainage network; a drainage basin.</p> <p><i>Watershed condition.</i> The state of a watershed based on physical and biogeochemical characteristics and processes.</p> <p><i>Wild and scenic river.</i> A river designated by Congress as part of the National Wild and</p>	<p><i>Viability Analysis.</i> The process of evaluating the current state and likely future status of a species, based on information on trends in its abundance, density, or geographic distribution.</p> <p><i>Viable Population.</i> A population that has a high likelihood of persisting well distributed throughout its range within a planning area for a period of at least 50 years into the future, based on the best available scientific information on its ecological conditions, abundance, distribution, reproduction, and survival rates.</p>

Alternative A	Alternative D
<p>Scenic Rivers System that was established in the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271(note), 1271-1287).</p> <p><i>Wilderness.</i> 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).</p>	

Appendix G – Alternative E

§ 219.4 Requirements for public participation. 1
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This alternative was developed in response to concerns and suggestions for prescriptive monitoring and assessment questions and requirements to establish signals for each question to identify the need for plan amendment or revision. Additionally, this alternative responds to the desires of some people to see specific requirements for collaboration in the planning rule in order to ensure consistency and accountability across NFS units. This alternative consists of the proposed rule (Alternative A) with additional and replacement direction focused on prescriptive requirements for public notification at § 219. 4, assessment requirements at § 219.6, monitoring requirements at § 219.12, and public notification requirements at § 219.16.

Instead of repeating all of the rule text common to both this alternative and the proposed rule, the text of the additional and replacement direction is displayed in a side-by-side format to demonstrate how and where it differs from the proposed rule.

Alternative A	Alternative E
§ 219.4 REQUIREMENTS FOR PUBLIC PARTICIPATION.	
<p>(a) <i>Providing opportunities for participation.</i> 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. 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</p>	<p><i>[This provision at § 219.4(a) is identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>tools, such as the internet, to engage the public, and should share information in an open way with interested parties.</p> <p>(1) <i>Scope, methods, and timing.</i> The responsible official shall provide opportunities 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 information. 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.</p>	<p>(1) <i>Scope, methods, and timing for public participation in plan development and revisions.</i> Subject to § 219.16, the responsible official shall design and implement a public participation effort for plan development and revisions using, at a minimum, the following process –</p> <p>(i) Assess what collaborative resources are available for the planning process, considering resources both within and external to the Agency;</p> <p>(ii) Consider obtaining specialized assistance for the public participation process, using the resources identified in the assessment at § 219.4(a)(1)(i), as appropriate;</p> <p>(iii) Identify key stakeholders to involve in the public participation. Interview forest resource specialists and managers to help identify relevant stakeholder groups;</p> <p>(iv) Use personal knowledge and connections as well as traditional outreach methods to bring all needed stakeholders to the table;</p> <p>(v) Consult with the stakeholders to determine the best methods to use in the public participation process and to identify additional stakeholders that need to be involved;</p> <p>(vi) Working with the stakeholders identified at § 219.4(a)(1)(iii), identify the key areas of planning to be addressed through collaboration, establish clear objectives, roles and responsibilities for all participants in the land management planning process;</p>

Alternative A	Alternative E
	<p>(vii) Hold at least one public meeting during each of the following plan revision phases: the development of the assessment that precedes the plan revision, the development of the proposed plan, the NEPA process to develop alternatives to the proposed plan, the comment period on the proposed plan and DEIS. Consider holding a “kickoff” public meeting to orient the stakeholders and forest service planning personnel;</p> <p>(viii) Initiate a collaborative group to meet regularly on the plan revision. If a collaborative group already exists on the forest, then the responsible official can use the existing collaborative group. The group may or may not be a formally chartered FACA group; and</p> <p>(ix) Develop a schedule of public participation activities to be held throughout the plan revision process and publicize the schedule widely on the unit website, with unit partners and through other relevant outreach methods.</p> <p>(2) <i>Scope, methods, and timing of public participation for plan amendments.</i> Subject to § 219.16, the responsible official has the discretion to determine the scope, methods, and timing of public participation opportunities for the development of plan amendments, taking into consideration the following—</p> <p>(i) diversity and spectrum of interests among potential participants;</p> <p>(ii) accessibility to process, discussion, and information;</p> <p>(iii) level of controversy and understanding of issues; and</p> <p>(iv) roles and responsibilities of the Forest</p>

Alternative A	Alternative E
<p>(2) <i>Participation opportunities for individual members of the public and entities.</i> The responsible official shall encourage participation by interested individuals and entities, including those interested at the local, regional, and national levels.</p> <p>(3) <i>Participation opportunities for youth, low-income populations, and minority populations.</i> The responsible official shall encourage participation by youth, low-income populations, and minority populations.</p> <p>(4) <i>Participation opportunities for private landowners.</i> The responsible official shall encourage participation by private landowners whose lands are in, adjacent to, or otherwise affected by, or whose actions may impact, future management actions in the plan area.</p> <p>(5) <i>Consultation with federally recognized Indian Tribes and Alaska Native Corporations.</i> The Department recognizes the Federal Government’s trust responsibility for 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 in accordance with Executive Order 13175 of November 6, 2000 and 25 U.S.C. 450 note.</p> <p>(6) <i>Participation opportunities for federally recognized Indian Tribes and Alaska Native Corporations.</i> The responsible official shall encourage participation in the planning process by</p>	<p>Service and non-agency participants.</p> <p><i>[The provisions at § 219.4(a)(2) through (8) are re-designated as (3) through (9) respectively but are otherwise identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>interested or affected federally recognized Indian Tribes or Alaska Native Corporations. The responsible official may participate in planning efforts of federally recognized Indian Tribes and Alaska Native Corporations, where practicable and appropriate.</p> <p><i>(7) Native knowledge, indigenous ecological knowledge, and land ethics.</i> As part of tribal participation and consultation as set forth in paragraphs (a)(5) and (6) of this section, the responsible official shall request information about native knowledge, land ethics, cultural issues, and sacred and culturally significant sites.</p> <p><i>(8) Participation opportunities for other Federal agencies, federally recognized Tribes, States, counties, and local governments.</i> The responsible official shall provide opportunities for other government agencies to participate in planning for NFS lands. Where appropriate, the responsible official shall encourage federally recognized Tribes, States, counties, and other local governments to seek cooperating agency status in the NEPA process for a plan development, amendment, or revision. The responsible official may participate in planning efforts of States, counties, local governments, and other Federal agencies, where practicable and appropriate.</p> <p><i>(b) Coordination with other public planning efforts.</i> (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, to the extent practicable and appropriate.</p> <p>(2) For plan development or revision, the</p>	<p><i>[Provisions at § 219.4(b) are identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>responsible official shall review the planning and land use policies of federally recognized Indian Tribes, 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 for the plan (40 CFR 1502.16(c), 1506.2). The review shall include consideration of:</p> <p>(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;</p> <p>(ii) The compatibility and interrelated impacts of these plans and policies;</p> <p>(iii) Opportunities for the plan to address the impacts identified or contribute to joint objectives; and</p> <p>(iv) Opportunities to resolve or reduce conflicts, within the context of achieving the Forest Service desired conditions or objectives.</p> <p>(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 planning area, nor will the responsible official conform management to meet non-Forest Service objectives or policies.</p>	
<p>§ 219.6 ASSESSMENTS.</p>	
<p>Assessments may range from narrow in scope to comprehensive, depending on the issue or set of issues to be evaluated, and should consider relevant ecological, economic, and social conditions, trends, and sustainability within the context of the broader landscape. The responsible official</p>	<p><i>[Provisions at § 219.6 through (a)(5) are identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>has the discretion to determine the scope, scale, and timing of an assessment, subject to the requirements of this section.</p> <p><i>(a) Process for plan development or revision assessments.</i> One or more assessments must be conducted for the development of a new plan or for a plan revision. The responsible official shall:</p> <p>(1) Notify and encourage the public and appropriate Federal agencies, States, local governments, other entities, and scientists to participate in the assessment process (§§ 219.4 and 219.16).</p> <p>(2) Notify and encourage potentially interested or affected federally recognized Indian Tribes and Alaska Native Corporations to participate in the assessment process (§§ 219.4 and 219.16).</p> <p>(3) Coordinate with the regional forester, Agency staff from State and Private Forestry and Research and Development, and other governmental and non-governmental partners to consolidate existing information and leverage resources for additional information needs.</p> <p>(4) Document the assessment in a report or set of reports available to the public. Document in the report(s) how the relevant best available scientific information was taken into account (§ 219.3), and include the report(s) in the planning record (§ 219.14).</p> <p>(5) Identify in the report how a new plan should be proposed, or identify a potential need to change an existing plan, based on the assessment.</p> <p><i>(b) Content of assessments for plan development or revision.</i> In the assessment(s) for plan development or</p>	<p><i>(b) Content of assessments for plan development or revision.</i></p> <p>In the assessment(s) for plan development</p>

Alternative A	Alternative E
<p>revision, the responsible official shall:</p> <p>(1) Identify and evaluate information needed to understand and assess existing and potential future conditions and stressors in order to inform and develop required plan components and other content in the plan (§ 219.7), including plan components for sustainability (§ 219.8), diversity of plant and animal communities (§ 219.9), multiple uses (§ 219.10), and timber requirements based on NFMA (§ 219.11).</p>	<p>or revision, the responsible official shall:</p> <p>(1) Identify existing conditions, past and projected trends, and possible scenarios at a scale appropriate to the roles and contributions of the planning unit to the larger geographic area, to develop plan components, as required by:</p> <p>(i) § 219.7, plan development or plan revision;</p> <p>(ii) § 219.8, sustainability including watershed elements; ecological variables such as structure, composition, processes, and connectivity that are needed to sustain healthy and resilient terrestrial and aquatic ecosystems; provision of ecosystem services including multiple uses such as recreation; contribution to local, regional and National social and economic systems; renewal and recovery of systems from disturbances; risks, stressors, and affects of invasive species; public safety; risks and uncertainties associated with climate change;</p> <p>(iii) § 219.9, diversity of plant and animal communities including status of plant and animal species, their communities; their capacity for resiliency; and ability to move across landscapes. For example, to comply with § 219.9, the assessment for a plan revision should consider the existing status, trends, and future possibilities of key ecological conditions affecting ecosystem diversity and species of conservation concern within the plan area focusing on threats and stressors that may affect ecological sustainability, such as development pressure, invasive species, or climate change; and</p> <p>(iv) § 219.11 Timber requirements based on NFMA, including cumulative effects over the plan area and indicators of soil</p>

Alternative A	Alternative E
<p>discretion to determine the scope, scale, process, and content for the assessment depending on the issue or issues to be addressed.</p> <p>(2) 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 documented need to change the plan.</p>	
<p>§ 219.10 MULTIPLE USES.</p>	
<p>In meeting the requirements of §§ 219.8 and 219.9, and within Forest Service authority, the capability of the plan area and the fiscal capability of the unit, the plan must provide for multiple uses, including ecosystem services, outdoor recreation, range, timber, watershed, wildlife and fish, as follows:</p> <p><i>(a) Integrated resource management.</i> 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:</p> <p>(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, recreational values and settings, riparian areas, scenery, soil, surface and subsurface water quality, timber, trails, vegetation, viewsheds, wilderness, and other relevant resources;</p> <p>(2) Renewable and nonrenewable energy and mineral resources;</p> <p>(3) Sustainable management of infrastructure, such as recreational</p>	<p><i>[Provisions at § 219.10 through (b)(1)(vi) are identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>facilities and transportation and utility corridors;</p> <p>(4) Opportunities to coordinate with neighboring landowners to link open spaces and take into account joint management objectives where feasible and appropriate;</p> <p>(5) Habitat conditions, subject to the requirements of § 219.9, for wildlife, fish, and plants commonly enjoyed and used by the public, such as species that are hunted, fished, trapped, gathered, observed, or needed for subsistence;</p> <p>(6) The landscape-scale context for management as identified in the assessment;</p> <p>(7) Land ownership and access patterns relative to the plan area;</p> <p>(8) Reasonably foreseeable risks to ecological, social, and economic sustainability; and</p> <p>(9) Potential impacts of climate and other system drivers, stressors and disturbance regimes, such as wildland fire, invasive species, and human-induced stressors, on the unit's resources (§ 219.8).</p> <p><i>(b) Requirements for plan components for a new plan or plan revision. (1) The plan components for a new plan or plan revision must provide for:</i></p> <p>(i) Sustainable recreation, considering opportunities and access for a range of uses. The plan should identify recreational settings and desired conditions for scenic landscape character.</p> <p>(ii) Protection of cultural and historic resources;</p>	

Alternative A	Alternative E
<p>(iii) Management of areas of tribal importance;</p> <p>(iv) Protection of wilderness areas as well as the protection of recommended wilderness areas to protect the ecologic and social values and character for which they might be added to the National Wilderness System;</p> <p>(v) Protection of wild and scenic rivers as well as the protection of those rivers eligible for inclusion in the national wild and scenic river system to protect the values for which they might be included in the system until their suitability is determined; and</p> <p>(vi) Protection and appropriate management of other designated or recommended areas that exist in the plan area, including research natural areas.</p> <p>(2) Other plan components for integrated resource management to provide for multiple uses that should be included as necessary.</p>	<p>(2) Plan components for conservation education, volunteer, and partnership programs.</p> <p><i>[The provision at § 219.10(b)(2) would be redesignated § 219.10(b)(3)]</i></p>
<p>§ 219.12 MONITORING.</p>	
<p>(a) <i>Unit monitoring program.</i> (1) The responsible official shall develop a unit monitoring program for the plan area, and include it in the plan. The development of the monitoring program must be coordinated with the regional forester and Agency staff from State and Private Forestry, and Research and Development. Responsible officials for two or more administrative units may jointly develop their unit monitoring programs.</p>	<p><i>[Provisions at § 219.12(a)(1) through (4)(iii) are identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>(2) The unit monitoring program sets out the unit monitoring questions and associated indicators. Monitoring questions and associated indicators must be designed to inform the management of resources on the unit, including by testing relevant assumptions, tracking relevant changes, and measuring management effectiveness and progress toward achieving or maintaining desired conditions or objectives. Questions and indicators should be based on one or more desired conditions, objectives, or other plan component in the plan, but not every plan component needs to have a corresponding monitoring question.</p> <p>(3) The unit 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.</p> <p>(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 unit monitoring program, after considering:</p> <ul style="list-style-type: none"> (i) Information needs identified through the planning process as most critical for informed management of resources on the unit; (ii) Existing best available scientific information; and (iii) Financial and technical capabilities of the Agency. <p>(5) Each unit monitoring program must contain one or more monitoring questions or indicators addressing each of the</p>	

Alternative A	Alternative E
<p>following:</p> <p>(i) The status of select watershed conditions.</p> <p>(ii) The status of select ecological conditions.</p> <p>(iii) The status of focal species;</p> <p>(iv) The status of visitor use and progress towards meeting recreational objectives.</p> <p>(v) Measurable changes on the unit related to climate change and other stressors on the unit;</p> <p>(vi) The carbon stored in above ground vegetation;</p>	<p>(i) The status of watershed conditions and watershed elements of § 219.8. How effective are management actions in moving the National Forest/Grassland toward improving watershed health?</p> <p>(ii) status of key ecological conditions affecting species of conservation concern and ecosystem diversity within each plan area focusing on threats and stressors that may affect ecological sustainability such as management activities, invasive species, or climate change;</p> <p>(A) The status of key ecological variables such as structure, composition, processes, and connectivity that are needed to sustain healthy and resilient terrestrial and aquatic ecosystems.</p> <p>(B) The status of recovery of threatened and endangered species dependent on the plan unit for movement across landscapes.</p> <p>(C) The status of recovery of threatened and endangered species on the plan unit.</p> <p>(iii) The status and trends of a small set of focal species selected by the responsible official based on plant and animal communities stated in § 219.9.</p> <p>(iv) Recreation user satisfaction and status and trend of recreation settings and opportunities provided by the NFS unit compared to Desired Conditions stated in the plan.</p> <p><i>[Provisions at § 219.12(a)(5)(v) through (4)(viii) are identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>(vii) The progress towards fulfilling the unit’s distinctive roles and contributions to ecologic, social, and economic conditions of the local area, region, and Nation.</p> <p>(viii) The effects of management systems to determine that they do not substantially and permanently impair the productivity of the land (16 U.S.C. 1604(g)(3)(C)).</p>	<p>(ix) The status and trends of vegetation diversity, including vegetation composition, structure, abundance, distribution, and successional processes contribute to the diversity of native plant and animal species in the plan area. How are management actions maintaining or making progress toward desired conditions for the key characteristics of vegetation in the plan area?</p> <p>(x) The status and trends of areas infested by aquatic and terrestrial invasive species on the unit’s plan area relative to the desired condition. How effective were our management activities including partnerships in preventing or controlling targeted invasive species?</p> <p>(xi) status and trends of outbreaks of native insects and pathogens on the National Forest/Grassland;</p> <p>(xii) goods and services provided by or derived from the NFS unit that contribute to sustaining economic systems. What are the status and trends of goods and services provided from the unit with regards to progress towards desired conditions?</p> <p>(xiii) public safety and environmental impacts of road and trail system on the NFS unit, including appropriate access, needs of adjacent landowners, public demand, and geological risks; and</p> <p>(A) How many miles of the designated</p>

Alternative A	Alternative E
<p>(6) A range of monitoring techniques may be used to carry out the monitoring requirements in paragraph (a)(5) of this section.</p> <p>(7) This section does not apply to projects or activities; project and activity monitoring may be used to gather information, but monitoring is not a prerequisite for carrying out a project or activity.</p> <p>(b) <i>Broader-scale monitoring strategies.</i> (1) The regional forester shall develop a broader-scale monitoring strategy for unit monitoring questions that can best be answered at a geographic scale broader</p>	<p>roads and trails are maintained to standard?</p> <p>(B) Where is unauthorized use occurring on or off the road and trail system?</p> <p>(xiv) emerging risks and current uncertainties associated with climatic changes in the vicinity of the unit and neighboring units where species may need to migrate or shift to locations with conditions hospitable to continued viability.</p> <p>(8) The monitoring program must include questions and a description of periodic evaluations which enable the agency to evaluate adjustments of the monitoring program or plan content as appropriate to account for unanticipated changes in conditions, new information, or new policy.</p> <p>(9) Each monitoring question and its associated indicator will also be accompanied by a description of one or more signal points which are to be used by the responsible official to determine the need to take action(s) appropriate to the situation. Such as changing plan component(s), collecting additional information, or requesting new research.</p> <p><i>[The provisions at § 219.12(b) are identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>than one unit.</p> <p>(2) When developing a monitoring strategy, the regional forester shall coordinate with the relevant responsible officials, and Agency staff from State and Private Forestry and Research and Development, partners, and the public. Two or more regional foresters may jointly develop broader-scale monitoring strategies.</p> <p>(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.</p> <p>(4) Projects and activities may be carried out under plans developed, amended, or revised under this part before the regional forester has developed a broad scale monitoring strategy.</p> <p><i>(c) Timing and process for developing the unit monitoring program and broader-scale strategies.</i> (1) In the assessment phase, the responsible official shall work with the public to identify potential monitoring needs relevant to inform effective management (§ 219.6).</p> <p>(2) The responsible official shall develop the unit monitoring program as part of the planning process for a new plan development or plan revision. Where a unit’s monitoring program has been developed under the provisions of a prior planning regulation and the unit has not initiated plan revision, the responsible official shall change the unit monitoring program within 4 years of the effective date of this part, or as soon as practicable, to meet the requirements of this section.</p> <p>(3) The regional forester shall develop a</p>	<p><i>[The provisions at § 219.12(c) are identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>broader-scale monitoring strategy as soon as is practicable.</p> <p>(4) The responsible official and regional forester shall ensure that scientists are involved in the design and evaluation of unit and broad scale monitoring.</p> <p>(5) To the extent practicable, appropriate, and relevant to the monitoring questions in the program, unit monitoring programs and broader-scale strategies must be designed to take into account:</p> <p>(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 parties;</p> <p>(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</p> <p>(iii) Opportunities to design and carry out monitoring with federally recognized Indian Tribes and Alaska Native Corporations.</p> <p><i>(d) Biennial evaluation of the monitoring information.</i> (1) The responsible official shall conduct a biennial evaluation of new information gathered through the unit 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. The evaluation must indicate whether a change to the plan, management activities, or monitoring program may be warranted based on the new information; whether a new assessment should be</p>	<p><i>[The provisions at § 219.12(d) are identical to Alternative A]</i></p>

Alternative A	Alternative E
<p>conducted; or that no amendment, revision, or administrative change is needed.</p> <p>(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 approval.</p> <p>(ii) Where the monitoring program developed under the provisions of a prior planning regulation has been changed 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.</p> <p>(iii) The monitoring evaluation report must describe how best available scientific information was taken into account (§ 219.3).</p> <p>(2) The monitoring evaluation report may be incorporated into other planning documents if the responsible official has initiated a plan revision or relevant amendment.</p> <p>(3) The monitoring evaluation report may be postponed for one 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)(5)).</p> <p>(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.</p>	<p>(e) <i>Periodic evaluation of monitoring programs and strategies.</i> The Chief shall establish standards to periodically evaluate the efficiency and effectiveness of unit plan monitoring programs, broader-scale strategies, and associated monitoring</p>

Alternative A	Alternative E
	<p>programs under control of the agency.</p> <p>These evaluations may be scheduled at the discretion of the responsible official and may be targeted to specific topics of concern or comprehensive evaluations. At least one evaluation of monitoring effectiveness must occur every 10 years. The responsible official should consider the following set of evaluation topics:</p> <ol style="list-style-type: none"> (1) Ability of unit monitoring programs to meaningfully inform unit plan decisions. (2) Effectiveness of unit monitoring programs and broader-scale monitoring strategies to contribute information useful to assess cumulative effects analyses conducted in project NEPA. (3) Effectiveness of unit monitoring programs and broader-scale monitoring strategies to identify emerging risks to the ecological and social sustainability. (4) Effectiveness of monitoring programs and broader-scale monitoring strategies engage interested parties to meaningfully share resources, expertise, and encourage learning and continual improvement of people’s understanding of complex environmental and social systems.

Appendix H – Alternative G: NFMA Minimum Requirements Rule

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§ 219.1 PURPOSE AND APPLICABILITY.

(a) This rule sets out the planning requirements for developing, amending, and revising land management plans (also referred to as plans) for the National Forest System, 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 of plan content. This subpart is applicable to all units of the National Forest System as defined by 16 U.S.C. 1609 or subsequent statute.

(b) This rule does not affect treaty rights or valid existing rights established by statute or legal instruments.

§ 219.2 STANDARDS AND GUIDELINES FOR THE NATIONAL FOREST SYSTEM.

(a) *Consistency of resource plans, permits, contracts, and other instruments with land management plans.* Subsequent plans, projects, activities, permits, contracts, and other instruments for the use or occupancy of national forest system lands must be consistent with the provisions of the applicable land management plan as described in 219.4. Plans, permits, contracts and other instruments currently in existence shall be revised as soon as practicable to be made consistent with an applicable new, revised or amended plan. Any such revision to present or future permits, contracts and other instruments is subject to valid existing rights.

(b) *Requirements for the Forest Service Directives System.* The Chief of the Forest Service through the Forest Service Directives System shall establish the following:

(1) Standards and procedures for obtaining inventory data on the renewable resources, soil, and water of the National Forest System;

(2) Methods to identify special conditions or situations involving hazards to the various resources and relationship to alternative activities;

(3) Standards so that even-aged stands of trees scheduled for harvest during the planning period have generally reached culmination of mean annual increment of growth; and appropriate exceptions to this standard.

§ 219.3 STANDARDS AND GUIDELINES FOR LAND MANAGEMENT PLANNING.

(a) *Coordinated approach.* Development, revision and maintenance of land management plans shall be coordinated with the planning processes of state and local government and other federal agencies.

(b) *Public Participation.* Provide opportunities for public participation in the development, revision and amendment of land management plans. This public participation shall include but is not limited to:

(1) Make plans and related environmental documents available to the public at convenient locations near the planning unit for a review period of at least 3 months before final decision.

(2) Publicize and hold public meetings or other comparable processes to foster public participation during the plan review period.

(c) *Interdisciplinary Team.* An interdisciplinary team shall develop, revise or amend the land management plan of each unit of the national forest system using an interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

(d) *Procedures for planning in accordance with the National Environmental Policy Act.* An environmental impact statement shall be prepared for the development of a new plan or the revision of an existing plan. Determination of the type of environmental documentation for plan amendments shall be based on Forest Service NEPA procedures.

(e) *Renewable resource consideration.* Development, revision or amendment of land management plans must 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. The Forest Service Directive system may provide further guidance on the procedures for consideration of these resources in the planning process.

(f) *Revision.* The plan shall be revised when conditions on the planning unit have significantly changed or at least every 15 years.

(g) *Amendment.* The plan may be amended at any time after public notice. Amendments documented in an environmental assessment or an environmental impact statement must be prepared in accordance with 219.3 (b).

§ 219.4 STANDARDS AND GUIDELINES FOR LAND MANAGEMENT PLANS.

Land management plans provide for multiple use and sustained yield of the products and services in accordance with the Multiple Use Sustained Yield Act [16 U.S.C. 528-531] and include coordination of outdoor recreation, range, timber watershed, wildlife and fish and wilderness. Plans for each unit of the National Forest System shall form one

integrated plan in one document or one set of documents available to the public. These plans contain appropriate written material, maps and descriptive documents.

(a) *Contents of land management plans.* Land management plans must contain the following:

(1) Availability of lands and their suitability for resource management. Plans must identify lands that are not suited for timber production considering physical, economic and other pertinent factors (219.4(b)(4) to the extent feasible. 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 ten years. These lands may be treated for reforestation purposes, particularly with regard to multiple-use values. Lands classified as not suited for timber production shall be reviewed every ten years to determine if conditions have changed so that they have become suitable for timber production.

(2) Determination of forest management systems, harvesting levels and procedures consistent with the Multiple Use Sustained Yield Act [16 U.S.C. 528-531];

(3) Proposed and probable actions that could occur under the plan, including the planned timber sale program and the proportion of probable harvest methods; and

(4) Other appropriate provisions as needed to meet the purposes of this subpart.

(b) Plans shall include provisions to accomplish the following:

(1) Provide for diversity of plant and animal communities based on the suitability and capability of the planning unit in order to meet overall multiple use objectives. To the degree practicable and appropriate, preserve the diversity of tree species existing in the planning unit.

(2) Provide for evaluation and research (based on continuous monitoring and assessment in the field) on the effects of each management system to insure that it will not produce substantial and permanent of the productivity of the land.

(3) Permit increases in harvest levels through intensified management practices if -

(i) These practices are consistent with the Multiple Use Sustained Yield Act [16 U.S.C. 528-531], and

(ii) The increased harvest level is decreased at the end of the first decade of the plan period if these practices cannot be successfully implemented during the first decade or cannot be continued as planned.

(4) Insure that timber will be harvested on lands managed for permanent forest cover 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.

(5) 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 the following criteria are met-

(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 plan;

(ii) the interdisciplinary review 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 belended to the extent practicable with the natural terrain;

(iv) the created openings cut in one harvest operation are within the maximum size limits of the plan based on geographic areas, forest types or other classifications. These limits may be less than, but must 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 tpe of coastal Alaska; and 40 acres for all other forest types, except as provided in this paragraph. The plan must allow for exceeding its limitations on maximum size openings after appropriate public notice and review by the supervisor of the line officer who would normally approve the harvest proposal. These 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; and

(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.

Appendix I – Review of Roadless Rules, Legislation, and Policy

US Forest Service Update

February 2, 2011

SUBJECT: Status of Roadless Rules

Litigation History and Status

The Roadless Area Conservation Rule (RACR) prohibits, with some exceptions, road construction and timber harvesting across 58.5 million acres of the National Forest System. The rule was published in the Federal Register on January 12, 2001 (66 FR 3244).^{*} Ten lawsuits were filed challenging the rule. In May 2001, a preliminary injunction barring implementation of the rule was issued by a federal district court in Idaho. The Ninth Circuit Court of Appeals reversed that ruling, and the RACR became effective in April 2003. In June 2003, the State of Alaska settled its claims regarding the RACR and after further rulemaking the Tongass National Forest was exempted from the RACR (68 FR 75136). Two cases in North Dakota that involved the RACR were eventually settled in March 2007 and three others were dismissed.

However, in July 2003, a federal district court in Wyoming upheld the State of Wyoming's challenge to the RACR holding that promulgation of the RACR was procedurally flawed under NEPA and substantively illegal under the Wilderness Act. The court set aside the rule and permanently enjoined the rule. The decision was appealed to the Tenth Circuit Court of Appeals, but the court declared the case moot and vacated the Wyoming order after the 2005 State Petitions Rule was promulgated.

The 2005 State Petitions Rule triggered two additional lawsuits in a district court of California. One lawsuit was filed by the States of California, New Mexico, and Oregon; and the other was filed by a coalition of environmental groups. On September 20, 2006, the California court set aside the State Petitions Rule, and reinstated the RACR (including the Tongass amendment). The decision was appealed and on August 5, 2009, the appellate court affirmed the district court's ruling.

In response to the reinstatement of the RACR, the State of Wyoming filed a second lawsuit (*Wyoming II*) challenging the RACR. On August 12, 2008, the Wyoming court again set aside and enjoined the RACR. The government filed an appeal on August 13, 2009 to the Tenth Circuit Court. Briefs have been filed, and oral hearing was held on March 10, 2010. The court's decision is pending.

The Wyoming decision placed the Forest Service in a conundrum of trying to comply with the California court's order *to follow* the RACR and the Wyoming court's order *not follow* the RACR. The Department of Justice submitted motions on August 20, 2008 to both courts requesting a stay or limiting the scope of both injunctions. On December 2, 2008, the California court changed its injunction to affect only the Ninth Circuit and

^{*} 66 FR 3244 – Federal Register references indicate volume and page number.

the plaintiff State of New Mexico. On June 16, 2009, the Wyoming court denied the government's motion for reconsideration and suspension of its injunction.

On December 22, 2009, a coalition of Alaska Natives, recreation groups and environmentalists filed a lawsuit seeking to set aside the Tongass exemption of 2003 and all projects not fully consistent with the RACR. Briefs have been filed and the case is pending.

State Petitions Status

The States of California, Idaho, New Mexico, North Carolina, South Carolina, and Virginia filed petitions under the State Petitions Rule. Other States announcing they intended to file a petition under the State Petitions Rule included Arizona, Colorado, Illinois, Oregon, Washington, and Wisconsin.

After the California district court ruling, Idaho Governor James Risch re-submitted Idaho's petition under the Administrative Procedure Act (APA) for the management of 9.3 million inventoried roadless acres within that state. A final Idaho Roadless rule was published in October 2008 (73 FR 61456). The final Idaho roadless rule supersedes the RACR in Idaho. Several environmental groups filed a lawsuit challenging the Idaho rule on January 16, 2009 claiming violations of the Endangered Species Act, National Forest Management Act, and the National Environmental Policy Act. Briefs were filed and a hearing was held October 22, 2010. Judge Windmill issued a ruling January 29, 2011. The Court found the Fish and Wildlife Service did not violate the ESA in preparing the Biological Opinion and the Court also found that the Forest Service did not violate NEPA in relying on the Biological Opinion or in preparing the FEIS and ROD approving the Idaho Roadless Rule.

In November 2006, then Colorado Governor Bill Owen submitted a petition for the management of 4 million roadless acres of IRAs within that state. Governor Bill Ritter amended the petition in April 2007 and submitted it under the APA. With the State as a cooperating agency, a proposed rule was published on July 25, 2008 (73 FR 43544) and notice of availability of the supporting DEIS on August 1. On August 3, 2009, the State released a revised version of the rule with a 60-day comment period. Governor Ritter submitted a revised petition to the Secretary of Agriculture on April 6, 2010. A new proposed rule and a revised DEIS are expected early in 2011.

Action by the Secretary of Agriculture

On May 28, 2009, Secretary of Agriculture Tom Vilsack issued Memorandum 1042-154 which reserves "to the Secretary the authority to approve or disapprove road construction or reconstruction and the cutting, sale, or removal of timber in those areas identified in the set of inventoried roadless area maps contained in Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000." The Memorandum did not affect lands covered by the Idaho rule (9.3 million acres), but includes the Tongass National Forest (9.3 million acres) in Alaska. Approximately, 49.2 million acres are affected. The Secretary has since re-delegated some authorities back to the Forest Service.

On May 29, 2010, the Secretary issued a new Memorandum 1042-155. It is essentially the same as the previous memorandum with the re-delegations, but includes the re-delegation to the Under Secretary Natural Resources and Environment for decisions covered by the 1872 Mining Laws. The new memorandum expires within one year, but can be re-issued.

Pending Legislation

Since 2001 four House and four Senate bills to legislate the RACR have been submitted but none were enacted. On October 1, 2009 Representative Jay Inslee (WA) and 154 cosponsors introduced HR 3692 and Senator Maria Cantwell (WA) and 24 cosponsors introduced S 1738 for the protection of roadless areas based on the 2001 rule. A related bill reintroduced on February 11, 2009, by Representative Carolyn Maloney and 95 cosponsors is the Northern Rockies Ecosystem Protection Act to designate certain National Forest System lands and public lands under the jurisdiction of the Secretary of the Interior in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness, wild and scenic rivers, wildland recovery areas, and biological connecting corridors, and for other purposes. Copies of these bills can be found at <http://thomas.loc.gov/>.

Additional information

The Forest Service maintains a roadless website at <http://roadless.fs.fed.us/>. Copies of the Secretary's Memorandum, RACR and state-specific rules, supporting documents, and other information are available.

Contact: Steve Cossette, Forest Service, Roadless Coordinator, 202-205-1791.

Appendix J – Economic Contributions

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Date: September 27, 2010

Contribution of National Forest and Grassland Resource Management to the US Economy in 2009

OBJECTIVE

This paper describes the methods used to estimate the economic contribution of Forest Service (FS) National Forest and Grassland resource management activities to the US economy in 2009 for use in the Planning Rule DEIS. This is a summary analysis for National Forest System (NFS) activities. A far more detailed study for the entire Forest Service is carried out periodically for the Strategic Plan Analysis.

ECONOMIES AS SYSTEMS

Economies are webs of interactions between producers and consumers of goods and services. Economic activity supports jobs and jobs give people the disposable income to support economic activity. Natural resource management on National Forests and Grasslands contributes to economic activity nation-wide by providing recreation opportunities and commodities such as timber and grazing. Additionally, a portion of the revenues collected by the Forest Service is returned to states and counties to support schools, road maintenance, and stewardship management projects. The information presented in this report quantifies the economic contribution of Forest Service resource management activities; recreation, hunting, fishing, wildlife watching, grazing, forest management, secure rural schools returns to states and counties, and budget expenditures supporting management of the National Forest System. One important activity was left out of this analysis, minerals management. The minerals leasing activities (such as oil, natural gas, etc.) are administered by the Department of Interior (DOI) rather than the Forest Service. National estimates of other mineral program activities were not available for this analysis.

SUMMARY TABLES: ECONOMIC CONTRIBUTION

Table 1 presents an estimate of the annual economic activity supported by FS management of the National Forests and Grasslands. This includes the effects of expenditures by the Agency to manage natural resources as well as including expenditures made by visitors enjoying recreational opportunities on the National Forests, wildlife related activities such as hunting, fishing, and wildlife watching, economic activity in the livestock sector supported by access to FS grazing allotments, the economic activity supported by logging companies and primary processors of forest products, as well as the gathering and sales other forest products.

Table 1: National Forest and Grassland Contributions to US Employment, Income, GDP and Total Sales by Program for 2009.

Resource *	Total Contribution (Initial Expenditures plus Ripple Effects)			
	Full and Part Time Jobs	Labor Income (Thousands of 2009 dollars)	GDP (Thousands of 2009 dollars)	Output (Total Sales) (Thous. of 2009 dollars)
Recreation - Not Wildlife Related	199,883	\$8,036,853	\$13,688,259	\$26,418,402
Wildlife and Fish Recreation	24,259	\$1,034,624	\$1,756,845	\$3,392,073
Grazing	3,695	\$91,919	\$194,047	\$540,565
Timber	44,083	\$2,054,923	\$2,333,635	\$11,820,121
Minerals **	N/A	N/A	N/A	N/A
Other Forest Products	100	\$3,821	\$5,906	\$12,773
Payments to States/Countries	10,634	\$506,774	\$705,061	\$1,295,913
Forest Service Expenditures	37,175	\$1,764,434	\$2,504,903	\$3,475,555
Total Forest Management	319,829	\$13,493,348	\$21,188,656	\$46,955,402

* Only the "Forest Service Expenditures" line reflects jobs and income generated from FS program budget expenditures. All the previous lines reflect private sector activity stimulated by FS resources entering the national economy.

** Minerals management is administered jointly between the Department of the Interior and FS. National estimates of commodity outputs were not available for this analysis.

These estimates include backward linkages - the ripple effects through the economy of an infusion of money from the use of products and amenities on the National Forests. For example, in FY 2009, visitors to the National Forests spent \$13billion for things like lodging, food and fuel ([National Visitor Use Monitoring Result, National Summary Report, FY2009, April 2010](#)). The full contribution of these expenditures are realized as the hotels, restaurants and gas stations turn around and pay for labor, utilities, taxes and other inputs that enable them to sell goods and services to the visitors. In addition, an economic contribution is made when the employees of the hotels, restaurants and gas stations spend their disposable income. As can be seen in Table 1, the total contribution stemming from the initial expenditure of \$13billion is more than 24,000 jobs from wildlife related recreation, and over 199,000 jobs from other recreation. The same type of ripple effect can be seen economy-wide in income, GDP and sales.

As another example, the Grazing Program contributed almost 4,000 jobs and over \$91 million of wages and proprietor's income economy-wide in 2009. It is important to note that this does not include the total number of ranchers and their employees, but rather is the economic contribution of value added to livestock given access to forage on the National Forests and Grasslands.

The other Programs shown in Table 1 have comparable ripple effects through the US economy. See Appendix A for a detailed display of results for this analysis. Appendix B shows the data and data sources used. Appendix C displays "Response Coefficients" – the economy-wide economic response to each \$1million of; recreation expenditures, final demand for animals grazed on National Forest and Grasslands, state and local

government expenditures of Secure Rural School returns to counties, and FS Program expenditures. Timber response coefficients are expressed as the economy-wide economic response to 1MMCF of harvest from the National Forests.

GENERATING ESTIMATES OF INCOME AND EMPLOYMENT

For this analysis, one model was built for the entire US using the “IMPLAN” economic software and data system first developed by the Forest Service and now updated and supported by the Minnesota IMPLAN Group (www.implan.com). IMPLAN models show the interdependencies and interactions of businesses and consumers. Models contain data for 440 economic sectors and 9 income brackets using 2008 data, the most recent data available. Table 2 shows the source of some of the key data pieces in IMPLAN.

Table 2: Sources for the 2008 IMPLAN data set

Data Type	Source Data	Comments
Industry sales	<ul style="list-style-type: none"> ▪ U.S. Bureau of Census (Census) economic censuses, ▪ U.S. Bureau of Economic Analysis (BEA) output estimates ▪ U.S. Bureau of Labor Statistics (BLS) employment projections. 	Total Industry Output equals the value of all sales to intermediate (business to business) and final (consumers, exports) demand.
Employment (jobs)	<ul style="list-style-type: none"> ▪ BEA: Regional Economic Information System (REIS) ▪ BLS: ES202 employment security data ▪ Census: County Business Patterns 	Employment (jobs) is defined as in 2009 employment. It includes full and part time, temporary, and seasonal jobs as well as multiple jobs held by a single person.
Labor Income	<ul style="list-style-type: none"> ▪ Employee compensation: <ul style="list-style-type: none"> ○ BLS ES202 ○ BEA REIS data. ▪ Proprietor's Income: Federal tax forms. 	Labor Income includes: <ul style="list-style-type: none"> ▪ Employee compensation: the value of wages <u>and</u> benefits ▪ Proprietor's income: Any income received for payment of self-employed work.

IMPLAN is an “Input-output (I-O)” model and is used as a means of examining relationships within an economy both among businesses and between businesses and final consumers. It captures all monetary market transactions for consumption in a given time period. There are two principle ways IMPLAN is used; an examination of the current situation is a “Contribution Analysis”, while a prediction of economic activity in response to a change in management or policy is an “Impact Analysis”. The purpose of this report is to estimate the *contribution* of current natural resource management to the US economy.

Input-output models are driven by final consumption (or final demand). Industries respond to meet demand for their product or service directly or indirectly (by supplying goods or services to industries responding directly). Each industry that produces goods

or services generates demands for other goods and services. A \$1 final demand for the goods and services of an industry ultimately leads to an output of more than \$1 of the goods and services of the total economy. Other industries supply inputs to the industry receiving a demand for its product and increase the stimulus to the regional economy. These are secondary effects. People spending wages earned in any of these industries also provide income to other goods and service industries, an “induced effect”. Direct, indirect and induced effects are measured with “multipliers” which measure how much employment and income is stimulated by demand for goods and services. Complex economies generate larger multipliers than simple, rural economies. “Response coefficients” are a type of multiplier that measures economic response as a result of each \$1million of spending related to natural resource management.

RESPONSE COEFFICIENTS AND FEAST

After the IMPLAN model was built, a million dollars was run through the model for; wildlife and other recreation, range, timber, and secure rural schools payments. These “response coefficients” are then imported into FEAST, an Excel workbook which handles calculation and reporting tasks. Appendix C shows the estimated FS Program response coefficients for the US economy.

RESOURCE DATA AND ANALYSIS RESULTS

Appendix B shows a table of resource data inputs used in FEAST with the data sources noted. FEAST multiplies these data by the response coefficients from IMPLAN to get the jobs and income estimates. The results tables from FEAST are displayed in *Appendix A*.

A WORD ABOUT IMPLAN ESTIMATES

In order to use these estimates correctly, please keep a few words of warning in mind:

1. IMPLAN is used to examine “marginal” changes: The numbers presented in Appendix A hold only for relatively small changes to the US economy. Any resource management action large enough to change the underlying structure and trade relationships of the economy will necessarily change the relationships quantified in the coefficients. A new model would need to be specified and run.
2. In reality, effects would be “lumpy”: These estimates were generated for a large geographic area which contains well developed and complex economies. At a smaller scale, management actions that affect rural, simple economies would necessarily have smaller response coefficients and thus a smaller job and income response.
3. Jobs do NOT equal Full Time Equivalents. Jobs are annual average full and part time, seasonal, and temporary employment in the private sector.
4. Labor income includes employee compensation (wages plus the value of benefits) and the income of sole proprietors.
5. GDP (Gross National Product): GDP measures the incremental value added to a product or service at each step of the production process. This is a conventional and widely used measure of economic growth. This is called “Value Added” in IMPLAN output.

6. **Output (Total Sales):** Sales value of goods and services. This is not normally used as a measure of economic growth as it counts both intermediate and final sales of goods and services in the production process.

FULL FEAST OUTPUT TABLES

Contribution of National Forest Management to the US Economy

Table A. Current Economic Contribution of National Forest & Grassland Resource Management

Resource	Jobs (Full and Part Time)	Labor Income (Thous. \$2009)	GDP (Thous. \$2009)	Output (Total Sales: Thous. \$2009)
Recreation - Not Wildlife Related	199,883	\$8,036,853	\$13,688,259	\$26,418,402
Wildlife and Fish Recreation	24,259	\$1,034,624	\$1,756,845	\$3,392,073
Grazing	3,695	\$91,919	\$194,047	\$540,565
Timber	44,083	\$2,054,923	\$2,333,635	\$11,820,121
Minerals	N/A	N/A	N/A	N/A
Other Forest Products	100	\$3,821	\$5,906	\$12,773
Payments to States/Counties	10,634	\$506,774	\$705,061	\$1,295,913
Forest Service Expenditures	37,175	\$1,764,434	\$2,504,903	\$3,475,555
Total Forest Management	319,829	\$13,493,348	\$19,304,175	\$46,955,400

Table B. Economic Contribution to Tax Revenues by Program in 2009

Industry	Thousands of 2009 dollars	
	State & Local	Federal
Recreation - Not Wildlife Related	\$1,458,597	\$1,655,026
Wildlife and Fish Recreation	\$162,699	\$181,989
Grazing	\$22,045	\$22,882
Timber	\$346,657	\$502,722
Minerals	N/A	N/A
Other Forest Products	\$583	\$818
Payments to States/Counties	\$59,755	\$105,710
Forest Service Expenditures	\$177,954	\$266,106
Total Forest Management	\$2,228,290	\$2,735,254

Table C. Economic Contribution by Major Industry in 2009

Industry	Jobs (Full and Part Time)	Labor Income (Thous. \$2009)	GDP (Thous. \$2009)	Output (Total Sales: Thous. \$2009)
Agriculture	19,170	476,983	646,539	2,662,120
Mining	923	155,290	387,638	756,087
Utilities	985	168,151	523,697	965,294
Construction	4,385	243,069	257,924	520,041
Manufacturing	22,833	1,432,431	1,981,886	10,216,809
Wholesale Trade	10,734	798,708	1,305,503	2,332,377
Transportation & Warehousing	11,875	601,278	818,971	1,625,273
Retail Trade	33,789	942,048	1,589,576	2,594,267
Information	4,984	468,336	803,721	2,177,442
Finance & Insurance	9,742	828,923	1,262,844	2,628,368
Real Estate & Rental & Leasing	10,170	307,465	2,108,577	3,440,597
Prof, Scientific, & Tech Services	13,643	1,010,745	1,279,132	2,431,476
Mngt of Companies	2,758	309,351	394,487	736,445
Admin, Waste Mngt & Rem Serv	15,197	491,133	607,727	1,080,042
Educational Services	3,440	111,286	116,728	240,135
Health Care & Social Assistance	17,103	831,795	923,033	1,749,835
Arts, Entertainment, and Rec	18,033	521,292	963,316	2,232,646
Accommodation & Food Services	82,800	2,088,095	3,381,839	6,180,110
Other Services	11,895	330,472	431,815	944,320
Government	25,370	1,376,495	1,403,702	1,335,503
Total Forest Management	319,829	\$13,493,348	\$21,188,654	\$46,955,400

Table D. Economic Contributions to Tax Revenues by Major Industry (In 2009, \$1,000)

Industry	Thousands of 2009 dollars	
	State & Local	Federal
Agriculture	89,687	118,003
Mining	46,450	56,079
Utilities	58,716	71,105
Construction	28,772	40,519
Manufacturing	255,714	324,595
Wholesale Trade	137,189	163,635
Transportation & Warehousing	100,379	122,069
Retail Trade	162,049	191,028
Information	96,528	116,399
Finance & Insurance	155,497	188,717
Real Estate & Rental & Leasing	231,758	280,375
Prof, Scientific, & Tech Services	158,667	196,524
Mngt of Companies	51,552	61,644
Admin, Waste Mngt & Rem Serv	76,961	92,631
Educational Services	14,779	17,959
Health Care & Social Assistance	114,887	140,794
Arts, Entertainment, and Rec	110,065	125,837
Accommodation & Food Services	394,772	450,437
Other Services	51,377	62,861
Government	127,655	168,560
Total Forest Management	\$2,463,454	\$2,989,769

Table E. Forest Service Secure Rural Schools Payments to Counties (Annual Avg, ; Thousands of 2009 dollars)

	Current
Payment to States/Counties	\$467,608

Table F. Current Role of Forest Service-Related Contributions to the US Economy

Industry	Employment (jobs)		Labor Income (Thousands of 2009 dollars)	
	US Totals	FS-Related	US Totals	FS-Related
Agriculture	3,760,534	19,170	\$71,689,938	476,983
Mining	905,275	923	\$125,532,267	155,290
Utilities	557,117	985	\$96,592,447	168,151
Construction	11,286,915	4,385	\$581,557,209	243,069
Manufacturing	13,829,566	22,833	\$1,079,427,116	1,432,431
Wholesale Trade	6,323,779	10,734	\$475,756,596	798,708
Transportation & Warehousing	18,850,522	11,875	\$557,046,036	601,278
Retail Trade	5,652,794	33,789	\$302,253,880	942,048
Information	3,592,765	4,984	\$334,252,107	468,336
Finance & Insurance	8,178,963	9,742	\$713,060,733	828,923
Real Estate & Rental & Leasing	7,564,435	10,170	\$230,879,080	307,465
Prof, Scientific, & Tech Services	12,035,141	13,643	\$932,623,837	1,010,745
Mngt of Companies	1,861,054	2,758	\$211,683,964	309,351
Admin, Waste Mngt & Rem Serv	10,442,019	15,197	\$349,340,727	491,133
Educational Services	3,492,557	3,440	\$115,082,530	111,286
Health Care & Social Assistance	17,562,096	17,103	\$862,689,084	831,795
Arts, Entertainment, and Rec	3,531,574	18,033	\$97,209,354	521,292
Accommodation & Food Services	11,949,225	82,800	\$257,694,287	2,088,095
Other Services	10,080,334	11,895	\$267,143,307	330,472
Government	24,860,136	25,370	\$1,587,921,038	1,376,495
Other				
Total	176,316,800	319,829	\$9,249,435,537	\$13,493,348
FS as Percent of Total	---	0.18%	---	0.14%

DATA INPUT SUMMARY REPORT

- NL - NonLocal Visitors who live more than 50 miles from the National Forest
- L – Local Visitors who live within 50 miles of the National Forest
- Day – Day use
- OVN-NF – Overnight on the National Forest
- OVN – Overnight off the National Forest
- NOTE: Non-primary visits (visitors who were recreating on the forest or grassland but not in the area primarily to visit the forest) were added to the Local Day use visit total to reflect their low spending on NF recreation.

1	Recreation Use	Units	Current	No Action
	NL-Day	Visits	12,941,720	
	NL-OVN-NF	Visits	9,412,160	
	NL-OVN	Visits	20,000,840	
	L-Day Trips	Visits	69,414,680	
	L-OVN-NF	Visits	4,706,080	
	L-OVN	Visits	1,176,520	
	NL-Day Downhill Ski	Visits	4,477,800	
	NL-OVN Downhill Ski	Visits	13,134,880	
	L-Day Downhill Ski	Visits	11,642,280	
	L-OVN Downhill Ski	Visits	597,040	

Source: "Spending Profiles of National Forest Visitors, NVUM Round 2 Update", White, Eric and Dan Stynes, March 2010

2	Recreation Expenditures / Unit	Units	Current	No Action
	NL-Day Trips	\$/Visit	24.30	
	NL-OVN-NF	\$/Visit	79.70	
	NL-OVN	\$/Visit	205.13	
	L-Day Trips	\$/Visit	15.08	
	L-OVN-NF	\$/Visit	57.41	
	L-OVN	\$/Visit	86.04	
	NL-Day Downhill Ski	\$/Visit	53.86	
	NL-OVN Downhill Ski	\$/Visit	268.16	
	L-Day Downhill Ski	\$/Visit	29.33	
	L-OVN Downhill Ski	\$/Visit	88.80	

Source: "Spending Profiles of National Forest Visitors, NVUM Round 2 Update", White, Eric and Dan Stynes, March 2010

3	Range Use	Units	Current	No Action
	Cattle & Horses	HMs	4,818,401	
	Sheep & Goats	HMs	1,984,715	
	Cattle Inventory -- Impact Area	Animals	96,034,500	
	Cattle weighted proportion marketed	Number	.46	
	Cattle weighted selling price	\$/Animal	1,104	
	FS Cattle HMs in Inventory Data Year	HMs	4,818,401	
	Sheep Inventory -- Impact Area	Animals	4,636,500	
	Sheep weighted proportion marketed	Number	.26	
	Sheep weighted selling price	\$/Animal	306	
	FS Sheep HMs in Inventory Data Year	HMs	1,984,715	

Sources: "Annual Grazing Statistical Report", (www.fs.fed.us/rangelands/reports/index.shtml) and National Agricultural Statistics Service (www.usda.gov/nass)

4	Wildlife & Fish Use	Units	Current	No Action
	NL-Day Trips	Visits	3,609,341	
	NL-OVN-NF	Visits	3,886,982	
	NL-OVN	Visits	3,054,058	
	L-Day Trips	Visits	15,825,571	
	L-OVN-NF	Visits	832,925	
	L-OVN	Visits	555,283	

Source: "Spending Profiles of National Forest Visitors, NVUM Round 2 Update", White, Eric and Dan Stynes, March 2010

5	Wildlife & Fish Expenditures/Unit	Units	Current	No Action
	NL-Day Trips	\$/Visit	27.83	
	NL-OVN-NF	\$/Visit	125.84	
	NL-OVN	\$/Visit	199.17	
	L-Day Trips	\$/Visit	21.12	
	L-OVN-NF	\$/Visit	81.57	
	L-OVN	\$/Visit	88.71	

Source: "Spending Profiles of National Forest Visitors, NVUM Round 2 Update", White, Eric and Dan Stynes, March 2010

6	Timber	Units	Current	No Action
	Softwood Sawtimber	CCF	2,094,229	
	Softwood Pulp	CCF	493,911	
	Hardwood Sawtimber	CCF	167,253	
	Hardwood Pulp	CCF	252,089	
	Poles	CCF	12,724	
	Posts	CCF	7,237	
	Fuelwood	CCF	501,376	
	All Other Products	CCF	410,911	

Sources: Annual Cut and Sold Reports, Volume harvested, "Service-wide Products FY 2009" (www.fs.fed.us/forestmanagement/reports/sold-harvest/cut-sold.html).

7	Secure Rural Schools/25% Fund	Units	Current	No Action
	Roads	\$	198,733	
	Schools	\$	198,733	
	General Gov't	\$	23,380	
	Title II Projects	\$	46,761	

Source: "ASR18-1_18-2_FY2009.xls", (www.fs.fed.us/srs/county2009.shtml)

8	FS Employment & Expenditures All Programs	Units	Current	No Action
	NFS FTEs All Programs	FTEs	14,500	
	Expenditures			
	Salary	%	.39	
	Nonsalary	%	.61	
	Total NFS	Thous \$\$	\$1,452,729	

Source: Ross Arnold, WO Research, SPRA, personal communication, and National Finance Center, Budget Object Code annual expenditure data.

9	Other Forest Products Quantities	Units	Current	No Action
	Other Forest Products	ccf	410,911	

Source: Source: Annual Cut and Sold Reports, Volume harvested, "Service-wide Products FY 2009" (www.fs.fed.us/forestmanagement/reports/sold-harvest/cut-sold.html).

10	Other Forest Products Costs (2008 dollars)	Units	Current	No Action
	Other Forest Products	ccf	10	

Sources: Annual Cut and Sold Reports, Volume harvested, "Service-wide Products FY 2009" (www.fs.fed.us/forestmanagement/reports/sold-harvest/cut-sold.html).

11	IMPLAN Data for Impact Area	Units	Current	No Action
	Employment	number	176,316,800	176,316,800
	Employee Compensation	\$	8,038,855,998,714	8,038,855,998,714
	Proprietary Income	\$	1,106,300,002,875	1,106,300,002,875
	Labor Income	\$	9,145,155,991,341	9,145,155,991,341
	Other Property Income	\$	4,248,944,035,175	4,248,944,035,175
	Total Income	\$	13,394,100,039,978	13,394,100,039,978

Source: 2008 US IMPLAN model

RESPONSE COEFFICIENTS FROM THE US IMPLAN MODEL

In the following tables, “Direct Effects” come from the initial expenditures that are applied to the US IMPLAN model. “Indirect Effects” are the impact of local industries and services buying goods and services from other local businesses in response to the Direct Effects. “Induced Effects” are caused by the re-spending of income received by workers and sole proprietors of the Directly and Indirectly affected businesses.

EMPLOYMENT RESPONSE COEFFICIENTS		EMPLOYMENT (Jobs/\$1MM of FD)			
		Direct	Indirect	Induced	Total
Other Forest Products	Other Forest Products	1.8	15.3	6.8	23.9
Range	Cattle & Horses	8.1	9.2	4.1	21.4
	Sheep & Goats	19.3	5.5	3.1	27.9
Recreation - Not Wildlife Related	Nonlocal - Day Use	7.7	3.1	4.4	15.2
	Nonlocal - Overnight on National Forest	7.3	3.1	5.0	15.4
	Nonlocal - Overnight off National Forest	9.3	3.5	5.4	18.2
	Local - Day Use	6.6	2.9	4.1	13.6
	Local - Overnight on National Forest	5.7	2.9	4.6	13.2
	Local - Overnight off National Forest	8.0	3.2	5.0	16.2
	Nonlocal - Day Use Downhill Ski	8.0	4.4	5.3	17.7
	Nonlocal - Overnight Downhill Ski	9.7	4.0	5.7	19.5
	Local -Day Use Downhill Ski	8.0	4.1	5.1	17.2
	Local -Overnight Downhill Ski	9.7	4.0	5.7	19.4
Wildlife and Fish Recreation	Nonlocal - Day Use	5.7	2.6	3.8	12.1
	Nonlocal - Overnight on National Forest	7.0	3.0	4.8	14.7
	Nonlocal - Overnight off National Forest	8.3	3.2	5.1	16.6
	Local - Day Use	5.4	2.5	3.8	11.7
	Local - Overnight on National Forest	5.6	2.7	4.4	12.8
Local - Overnight off National Forest	6.5	2.9	4.8	14.2	
Secure Rural Schools	Roads	8.3	4.2	8.2	20.7
	Schools	10.5	1.7	7.4	19.6
	General Government	6.8	1.7	5.3	13.8
	Title II Projects	37.6	1.4	12.8	51.8
FS Salary Expenditures	Middle Income Bracket	7.1	3.7	5.7	16.5
FS Non-Salary Expenditures	US Average Expenditure Profile	7.3	2.8	7.2	17.3

		EMPLOYMENT (Jobs/MMCF)			
		Direct	Indirect	Induced	Total
Timber	Forestry and Logging (16)	13.00	11.90	16.14	41.04
	Sawmills (95)	18.30	24.43	27.34	70.07
	Plywood and Veneer Softwood (96)	30.90	27.62	37.00	95.52
	Plywood and Veneer Hardwood (96)	30.90	27.62	37.00	95.52
	Oriented Strand Board (OSB) (98)	4.80	4.93	7.17	16.90
	Mills Processing Roundwood Pulp Wood (104, 105, 106, 107)	4.80	13.90	16.85	35.55
	Other Timber Products (97,99,100,102,103)	49.50	35.21	47.71	132.42
	Facilities Processing Residue From Sawmills (98, 104, 105, 106, 107)	4.80	13.90	16.85	35.55
	Facilities Processing Residue From Plywood/Veneer (98, 104, 105, 106, 107)	4.80	13.90	16.85	35.55

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National Forest System Land Management Planning

<u>LABOR INCOME RESPONSE COEFFICIENTS</u>		LABOR INCOME (\$/1MM of FD)			
		Direct	Indirect	Induced	Total
Other Forest Products	Other Forest Products	99,100	497,804	306,208	903,112
Range	Cattle & Horses	53,129.0	308,650.5	185,750.6	547,530.1
	Sheep & Goats	85,363.0	187,368.7	140,309.1	413,040.8
Recreation - Not Wildlife Related	Nonlocal - Day Use	215,756	172,079	199,525	587,360
	Nonlocal - Overnight on National Forest	272,671	167,679	226,607	666,957
	Nonlocal - Overnight off National Forest	283,852	190,886	244,297	719,035
	Local - Day Use	199,802	161,922	186,075	547,799
	Local - Overnight on National Forest	247,053	155,859	207,338	610,250
	Local - Overnight off National Forest	262,584	173,367	224,332	660,283
	Nonlocal - Day Use Downhill Ski	222,005	240,832	238,112	700,949
	Nonlocal - Overnight Downhill Ski	285,954	217,715	259,171	762,840
	Local -Day Use Downhill Ski	220,890	226,677	230,254	677,821
	Local -Overnight Downhill Ski	284,829	216,860	258,151	759,840
Wildlife and Fish Recreation	Nonlocal - Day Use	187,955.2	146,401.7	171,980.5	506,337.5
	Nonlocal - Overnight on National Forest	255,231.9	162,635.1	215,023.7	632,890.8
	Nonlocal - Overnight off National Forest	270,852.2	175,763.4	229,827.1	676,442.6
	Local - Day Use	189,980.6	140,556.9	170,016.2	500,553.8
	Local - Overnight on National Forest	241,424.3	147,900.3	200,342.4	589,666.9
	Local - Overnight off National Forest	267,475.1	156,596.4	218,252.7	642,324.2
Secure Rural Schools	Roads	463,644.9	252,121.2	368,072.2	1,083,838.3
	Schools	548,845.0	100,310.8	334,457.6	983,613.3
	General Government	367,863.8	100,156.9	240,928.1	708,948.8
	Title II Projects	1,033,708.8	87,291.2	575,450.6	1,696,450.6
FS Salary Expenditures	Middle Income Bracket	288,115.0	212,721.8	257,650.2	758,487.0
FS Non-Salary Expenditures	US Average Expenditure Profile	474,884.0	154,514.8	324,114.5	953,513.3

		LABOR INCOME (\$/MMCF)			
		Direct	Indirect	Induced	Total
Timber	Forestry and Logging (16)	481.89	510.97	643.38	1,636.24
	Sawmills (95)	816.32	1,075.08	1,208.84	3,100.24
	Plywood and Veneer Softwood (96)	1,364.27	1,242.02	1,556.23	4,162.52
	Plywood and Veneer Hardwood (96)	1,364.27	1,242.02	1,556.23	4,162.52
	Oriented Strand Board (OSB) (98)	369.48	393.65	421.77	1,184.90
	Mills Processing Roundwood Pulp Wood (104, 105, 106, 107)	369.48	673.61	577.84	1,620.93
	Other Timber Products (97,99,100,102,103)	2,147.77	2,009.32	2,220.37	6,377.46
	Facilities Processing Residue From Sawmills (98, 104, 105, 106, 107)	369.48	673.61	577.84	1,620.93
	Facilities Processing Residue From Plywood/Veneer (98, 104, 105, 106, 107)	369.48	673.61	577.84	1,620.93

<u>OUTPUT RESPONSE COEFFICIENTS</u>		TOTAL Output (\$/1MM of FD)			
		Direct	Indirect	Induced	Total
Ecosystem Restoration	Other Forest Products	1,000,000	1,004,591	1,014,372	3,018,963
Range	Cattle & Horses	1,000,000.0	1,609,721.0	615,394.9	3,225,116.0
	Sheep & Goats	1,000,000.0	898,055.8	464,947.9	2,363,003.7
Recreation - Not Wildlife Related	Nonlocal - Day Use	742,379	605,411	661,168	2,008,958
	Nonlocal - Overnight on National Forest	802,151	584,119	750,936	2,137,205
	Nonlocal - Overnight off National Forest	872,500	651,531	809,555	2,333,587

	Local - Day Use	703,800	575,650	616,591	1,896,041
	Local - Overnight on National Forest	738,083	571,083	687,075	1,996,240
	Local - Overnight off National Forest	807,019	609,834	743,389	2,160,241
	Nonlocal - Day Use Downhill Ski	881,330	785,735	789,034	2,456,099
	Nonlocal - Overnight Downhill Ski	912,939	725,163	858,840	2,496,942
	Local -Day Use Downhill Ski	854,149	743,026	762,998	2,360,172
	Local -Overnight Downhill Ski	909,351	722,311	855,462	2,487,124
Wildlife and Fish Recreation	Nonlocal - Day Use	659,107.0	517,232.7	569,876.5	1,746,216.3
	Nonlocal - Overnight on National Forest	769,305.3	571,324.0	712,541.7	2,053,171.1
	Nonlocal - Overnight off National Forest	819,383.2	611,830.7	761,602.4	2,192,816.3
	Local - Day Use	645,920.3	496,728.5	563,365.4	1,706,014.1
	Local - Overnight on National Forest	714,210.9	535,062.0	663,887.9	1,913,160.8
	Local - Overnight off National Forest	762,058.1	556,556.8	723,252.5	2,041,867.3
Secure Rural Schools	Roads	1,000,000.0	839,111.9	1,219,602.3	3,058,714.2
	Schools	978,859.8	349,897.8	1,108,480.4	2,437,237.9
	General Government	993,062.7	316,998.1	798,432.7	2,108,493.5
	Title II Projects	1,000,000.0	395,145.1	1,906,473.7	3,301,618.7
FS Salary Expenditures	Middle Income Bracket	1,000,000.1	717,869.2	853,768.2	2,571,637.5
FS Non-Salary Expenditures	US Average Expenditure Profile	995,801.6	510,895.5	1,074,146.9	2,580,844.0

		TOTAL Output (\$/MMCF)			
		Direct	Indirect	Induced	Total
Timber	Forestry and Logging (16)	2,472	3,814	5,977	12,263
	Sawmills (95)	4,279	4,937	5,908	15,124
	Plywood and Veneer Softwood (96)	5,663	4,571	6,021	16,255
	Plywood and Veneer Hardwood (96)	5,663	4,571	6,021	16,255
	Oriented Strand Board (OSB) (98)	1,923	1,794	2,046	5,763
	Mills Processing Roundwood Pulp Wood (104, 105, 106, 107)	2,465	4,386	3,927	10,778
	Other Timber Products (97,99,100,102,103)	7,401	6,364	7,086	20,852
	Facilities Processing Residue From Sawmills (98, 104, 105, 106, 107)	2,465	4,386	3,927	10,778
	Facilities Processing Residue From Plywood/Veneer (98, 104, 105, 106, 107)	2,465	4,386	3,927	10,778

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