

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.