Key Themes in Public Input for the Proposed Planning Rule

Introduction

During development of the proposed rule, we received numerous comments from the public on what they wanted to see in a new planning rule. The Forest Service received feedback from the public through 26,000 comments on the Notice of Intent (NOI), regional and national roundtables that were held in over 35 locations with over 3,000 people in attendance, and over 300 comments posted to the planning rule blog. In addition, we received science input via a science forum with a panel of 21 scientists; scientists also participated in the national and regional roundtables. Feedback was also received from other Federal agencies, as well as through participation from and consultation with Tribes.

The Agency received a wide range of feedback from the public. The purpose of this document is to identify what the key themes were in the public input and provide responses for how they are being addressed in the proposed rule. This document is not an exhaustive description of the public feedback; reports capturing feedback from the national, regional, and science forums can be viewed at http://www.fs.usda.gov/goto/planningrule/collab.

The key themes discussed here differ from the set of potential principles offered in the NOI, which was released in December 2009. The NOI asked for public feedback on a set of eight principles that could be used to guide future land management planning. The feedback that we received from the public in direct response to the NOI, and through the public participation opportunities listed above, did not fit specifically into those proposed principles. We heard about other subjects of concern, through which key themes emerged that expanded beyond the principles in the NOI.

Now that the proposed rule has been released, the public will be able to submit comments during the 90-day public comment period ending on May 16, 2011. Comments received during the comment period will be considered and used to develop the final rule.

The Agency will host public meetings across the country to answer questions about the proposed rule, but will not be accepting feedback during those meetings. The purpose of these forums is to help the public understand the content of the proposed rule. We are currently in a public comment period, and thus all feedback must be submitted in writing to be considered.

Wildlife Protection/Plant and Animal Diversity

Response:

- The proposed rule would provide for diversity of plant and animal communities. Our goal is to keep common native species common, contribute to the recovery of threatened and

endangered species, conserve candidate species, and maintain viable populations of species of conservation concern. *See* § *219.9(a) and (b) (1)-(3)*

- The proposed rule would provide equal or greater levels of protection than the 1982 rule as implemented, and updates the standards to reflect conservation science, including the need for ecological integrity and connectivity. *See Preamble § 219.9*
- The proposed rule would extend provisions beyond native and desired non-native vertebrate species to all native plant and animal communities. *See § 219.9(a)*
- Plans would include plan components designed to maintain the diversity of plant and animal communities, consistent with the inherent capability of the plan area. *See § 219.9*
- The proposed rule would provide plan components designed to maintain or restore the structure, function, composition, and connectivity of terrestrial and aquatic ecosystems and watersheds. This represents a "coarse filter" approach to keeping common species common. *See § 219.9(a)*
- The proposed rule also includes a "fine filter" approach to protecting at-risk species.
- The proposed rule would specifically recognize the need to maintain and restore habitat to contribute to the recovery of threatened and endangered species, and conserve candidate species. *See §219.9(b)*
- The proposed rule would require plans to provide ecological conditions to maintain viable populations within the plan area of species conservation concern. *See §219.9(b)*
- Where a viable population of a species of conservation concern cannot be maintained on the unit, the proposed rule would require that plans provide habitat for that species on the unit, and that responsible officials work with other land managers across ownership boundaries to maintain a viable population of that species across its range. *See §219.9(b)*
- The proposed rule would require monitoring of ecological conditions, watershed conditions, and focal species to ensure the effectiveness of management activity to meet diversity requirements. *See §219.12*

1. National Standards Versus Local Discretion

What we heard: Some people want the planning rule to include national standards for resource management that apply to all plans and projects. Others want the local line officer to have a great deal of discretion to establish local standards and to decide what issues the plan will address.

Response:

- Under the proposed rule, all plans must include plan components for social, economic and ecological sustainability, and protect or restore multiple aspects of plants and animal habitat and soil and water resources. *See § 219.7(d)(3) and § 219.8-9*
- Planning would consider the full suite of multiple uses, including ecosystem services, energy, minerals, outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness, to the extent relevant to the plan area. All plans must include specific components to address certain multiple uses, including sustainable recreation. *See § 219.10*
- Responsible officials would engage the public to develop standards and other plan components that reflect the best available scientific information and the landscape-scale context for management on the unit. *See § 219.4(a)(1), § 219.7(c)(1) and § 219.3*
- New information developed through monitoring and assessments would be incorporated into the plan through amendments, to provide for adaptive management and keep plans current. *See § 219.6 and § 219.12*

2. Watersheds and Clean Water

What we heard: Some people want the new planning rule to create management standards to protect and restore streams, rivers, and watersheds. Some groups want the proposed rule to have national standards that apply to all plans and projects; others want the standards to be developed locally.

Response:

- The proposed rule includes clear direction to proactively protect, maintain and restore water resources and watersheds across the National Forest System.
- The proposed rule would require all plans to include components to maintain, protect, or restore aquatic ecosystems, rare aquatic communities, riparian areas, and water resources such as public water supplies and source water protection areas. *See §219.8(a)*
- The proposed rule would also require plans to identify watersheds that are a priority for restoration. *See § 219.7(e)(1)(i)*
- Specific standards for how to protect and restore clean water and watershed health would be developed at the local level. Each responsible official would work collaboratively with the public and take into account the best available scientific information for that area

to develop standards that protect their water resources and reflect the unique ecological features of the local watershed. *See § 219.4(a)(1), §219.7(c)(1) and §219.3*

- All plans would include monitoring requirements to monitor for watershed and ecological conditions. See *§219.12*

3. Multiple Uses

What we heard: Some groups expressed concern about the planning rule containing too many provisions for environmental analysis and fish and wildlife protection at the expense of other multiple uses. Some people stated that they believe the planning process should consider and balance multiple uses of the NFS.

Response:

- The plan would provide for multiple uses, including ecosystem services, outdoor recreation, range, timber, watershed, and wildlife and fish. *See § 219.10*
- In providing for multiple uses, the responsible official would consider a broad list of relevant resources and develop plan components to reflect the unique role of the unit in the broader social, economic and ecological landscapes. *See § 219.10(a)(1)-(9)*
- The proposed rule would recognize the importance of recreation to social and economic sustainability, require plan components to provide for sustainable recreation, and integrate recreation in the assessment and monitoring phases. *See § 219.10(a)(3)(4), § 219.10(b)(i), and § 219.8(b)(2)*
- The proposed rule includes specific direction for management of timber, pursuant to requirements in NFMA, and in the context of the other proposed requirements. *See § 219.11*

4. Recreation

What we heard: Some people believed the planning rule should specifically set broad objectives for recreation. Some people felt that the rule should include a requirement for forest plans to support "sustainable recreation." Other people felt that all multiple uses should be addressed equally in the planning rule without highlighting a specific type of use over others.

Response:

- The proposed rule would require plan components designed to provide for sustainable recreation opportunities and uses, which will contribute to the social and economic health of communities. *See § 219.8(b)(2)*
- The proposed rule recognizes the importance of recreation as a multiple use, and would integrate recreation concerns and provide for the unique needs of the recreation resource

throughout the planning process, including in the assessment and monitoring phases. *See § 219.10(a)(3)(4), § 219.10(b)(i), and § 219.8(b)(2)*

- The proposed rule would require that plan components provide for sustainable recreation. It would also require the responsible official to take sustainable recreation opportunities and uses into account when developing plan components to contribute to social and economic sustainability. Plans would identify recreational settings and desired conditions for scenic landscape character. *See § 219.8, and § 219.10(b)(i)*
- The proposed rule would require the responsible official to consider habitat conditions 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. *See § 219.9(a)(b).*

5. Climate Change

What we heard: Some groups want the rule to require specific adaptation and mitigation measures in all forest plans to address climate change. Some people think there is too much uncertainty, particularly at the forest level, about the cause and effects of climate change. In addition, to explicitly include climate change measures in the rule could require forests to address issues that may not exist in certain forests or regions.

Response:

- The proposed rule addresses climate change throughout the planning process.
- The proposed rule would provide a more effective and efficient framework that would allow adaptive land management planning in the face of climate change and other stressors. *See § 219.2(b)(1) and Preamble § 219.5*
- The plan must include plan components for sustainability taking into account potential system drivers, stressors, disturbance regimes, including climate change. *See § 219.9*
- Plan components would address a variety of requirements directly linked to climate change, including plan components to maintain and restore ecosystem and watershed health and resilience, protect key ecosystem elements (including water resources), provide for ecosystem services, and provide for plant and animal diversity. *See § 219.8-10*
- The proposed rule would require plans to monitor the measurable changes on the unit related to climate change and other stressors on the unit. *See § 219.12(a)(5)(v)*
- In connection with the Forest Service's Climate Change Roadmap and Scorecard, each phase of the planning process would address climate change adaptation and mitigation in the way most appropriate to that unit, based on best available scientific information.

6. Monitoring

What we heard: Some people think there should be more frequent and better quality monitoring built into plans and projects, so that monitoring becomes a standard part of adaptive management. Others recognized that there are budgetary constraints, and that not everything can be monitored. Many suggest that the agency should employ new technologies, tools and techniques to better and more efficiently monitor forest resources.

Response:

- The proposed rule includes requirements for a local and landscape-scale monitoring program that are informed by the best available scientific information, strengthening the role of monitoring so that units can better track changing conditions, test management assumptions, and determine whether they are making progress toward their desired conditions and objectives. *See § 219.12*
- The monitoring approach in the proposed rule has two-levels; unit monitoring program and broader scale monitoring strategies that are coordinated with the regional forester, State and Private Forestry, and Research and Development. *See § 219.12(a)(b)*
- Every plan would identify questions and indicators for the required unit monitoring program and include them in the plan. *See § 219.12(a)(1)-(2)*
- A number of specific monitoring questions/indicators are required, such as those regarding watershed condition, the storage of carbon in above ground vegetation, and the measurable changes on the unit related to climate change and other stressors on the unit (partial list). *See § 219.12 (a)(5)(i-viii)*
- Unit monitoring programs would be designed to take into account existing national and regional monitoring programs, as well as opportunities to design and carry out multi-party monitoring with other forests, agencies, Indian Tribes and Alaska Native Corporations and partners. *See § 219.12(c)(5)(1)-(3)*
- Biennial monitoring evaluation reports would be required to document if a change to the plan or the monitoring program is needed, or if a new assessment is needed. *See § 219.12(d)*

7. Consistency With Other Public Planning Efforts

What we heard: Some people felt that for development of the land management plans, the planning rule should put greater importance on consistency with relevant plans of Tribes, State and local governments, and other Federal land management agencies. Others felt that because these are national lands that management priorities should be set by the agency and that local and state government should not have a greater say over management of these lands.

Response:

- The proposed rule would require the responsible official to review the planning and land use policies of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments and to document the review findings in the draft EIS. Although the review would assess the compatibility and interrelated impacts of these plans and policies, each land management plan would not need to be consistent with local government plans. *See § 219.4(b)*
- During the assessment phase, the responsible official would engage the public, Tribes, Alaska Native Corporations, other Federal agencies, States, local governments, and scientists to start the assessment and help identify the questions and issues to be considered. *See § 219.6(a)(1)-(5)*

8. Restoration

What we heard: Some people expressed the view that the concept of restoration is complex, hard to define, and at odds with needs for adaptive management and resiliency in the face of trends such as climate change and should therefore not be mentioned explicitly in the rule. Some worried that including restoration in the rule may lead forests to use historical reference points that do not reflect what the state of a modern, healthy forest should be. Other people expressed the view that the rule should be explicit about restoration because the topic suggests a desire to improve the forests in the face of deterioration or degradation which is too important to leave out.

Response:

- The proposed rule applies the term "restoration" to focus on recovery of resiliency and ecosystem functions (instead of historical reference points). The emphasis on future resilience would offer the responsible official greater flexibility to develop plan components (e.g., desired conditions and objectives) that provide feasible and adaptable direction for addressing damaged ecosystems in ways most appropriate for the local area. *See § 219.19 definition for restoration*
- The proposed rule would provide a framework for land management planning designed to sustain and restore the health and resilience of our national forests. *See 219.8(a)(2)(i-v)*
- The proposed rule would require identification of priority watersheds for maintenance or restoration in a way that complements the water-based sustainability requirements in § 219.8. *See § 219.7(e)(i)*
- The proposed rule would require plans be focused on restoration of damaged resources as well as improving resource capacity to withstand environmental risks and stressors (i.e., resiliency), thereby providing greater capacity for sustaining local or rural economic opportunities to benefit from forest resources and ecosystem services. *See § 219.10(a)(8)- (9) and § 219.8*

9. Contribution to Vibrant Local Economies

What we heard: Some people said that the way for the rule to contribute to healthy economies is to ensure healthy forest ecosystems to provide both traditional economic benefits and ecosystem services. Others suggested that the Forest Service needs to elevate the importance of vibrant local economies through effective involvement of and collaboration with representatives of the local communities impacted by Forest Service land management plans.

Response:

- The proposed rule would require plans to include plan components that guide the unit's contribution to social and economic sustainability. In developing these plan components, the responsible official would be required to take into account the social and economic conditions relevant to the area influenced by the plan; the distinctive roles and contributions of the unit within the broader landscape; sustainable recreational opportunities and uses; multiple uses, including ecosystem services, that contribute to local, regional, and national economies in a sustainable manner; and cultural and historic resources. *See § 219.8(b)*
- The proposed rule would support vibrant communities by requiring plans to include components that provide for sustainable recreation, which can provide to rural job opportunities on National Forest System lands. *See § 219.8(b)(2) and § 219.10(b)(i)*
- The proposed rule would provide for a range of multiple uses, including ecosystem services, outdoor recreation, range, timber, watershed, and wildlife and fish. *See § 219.10*
- The proposed rule also includes direction for cultural and historic resources, areas of tribal importance, wilderness areas and wild and scenic rivers, and other designated areas (such as monuments or national recreation areas). *See § 219.10*

10. Role of Science

What we heard: Many people believe science should inform but not be the only factor in forest planning decisions. Others said science must be the primary driver of decision making. Many people said it is important to involve non-scientists in decision making because many issues have social or economic components that cannot be resolved through scientific or technical solutions. Others noted that science is only one way of knowing and that the rule

Response:

- The proposed rule would require that the responsible official take into account the best available scientific information throughout the planning process and document this consideration in every assessment report, plan decision document, and monitoring

evaluation report. Documentation would identify sources of data, peer reviewed articles, scientific assessments, or other scientific information relevant to the issues being considered. *See § 219.3*

- The proposed rule would require that the plan decision document include a discussion of how the best available scientific information was taken into account and applied in the planning process. *See § 219.14(a)(4)*
- For the unit monitoring program, best available scientific information would be considered when the scope and scale of the unit monitoring program is determined. In addition, the monitoring evaluation report would describe how the best available scientific information was taken into account. *See § 219.12(a)(4) and § 219.12(d)(1)(iii)*
- The Agency recognizes that other forms of information, such as local and indigenous knowledge, public input, agency policies, results of monitoring and the experience of land managers should also be taken into account. *See Preamble §219.3*

11. Collaboration and Public Involvement

What we heard: Many people had a strong desire for efficiency and transparency in the planning process for developing, revising and amending land management plans, and expressed desire to see how their input would be used. Many people wanted a well defined decision space that has clarity about the role of collaboration and about who has the decision making authority. Some people recognized that there are many stakeholders and all should have the opportunity to be engaged in the process. Other people felt that there should be deference to local stakeholders who understand and are directly affected by forest plans.

Response:

- The proposed rule is the outcome of the most participatory planning rule development process in Forest Service history and it requires more opportunities for public involvement and collaboration throughout the planning process than previous rules. *See Supplementary Information – Overview and § 219.4*
- The proposed rule would ensure that the Forest Service provides meaningful opportunities for the public to participate early and throughout the planning process. *See § 219.4(a)*
- The proposed rule would require the responsible official to use collaborative process when possible to take into account the various roles and responsibilities of participants and responsibilities of the Forest Service itself, and to create a process that is open and accessible. *See § 219.4(a)*
- The proposed rule would require the responsible official be proactive and use contemporary tools, such as the internet, to engage the public, and to share information in an open way with interested parties. *See § 219.4*
- The proposed rule would require the responsible official to encourage participation by youth, low-income populations, and minority populations. *See § 219.4(a)(3).*

12. All Lands Approach

What we heard: Some people believe that an all lands approach is needed to foster better communication and collaboration between the Forest Service and local landowners in the surrounding region. Some people thought that an all lands approach could be useful for achieving many different management objectives. Others thought that it could be seen as an overreach for the Forest Service to consider things outside the boundaries of NFS units, and potentially lead to legal challenges.

Response:

- The proposed rule would require responsible officials to take into account the context of the broader landscape to better inform management and protection of NFS lands and waters.
- The proposed rule would require understanding the landscape-scale context for management through the assessment phase, including by identifying and considering relevant information contained in governmental or non-governmental assessments, plans, monitoring evaluation reports, and studies: e.g., State forest assessments and strategies, comprehensive outdoor recreation plans, wildlife action plans, and community wildfire protection plans. *See § 219.6*
- The proposed rule would require the responsible official to provide opportunities for other government agencies to participate in planning for NFS lands. Where appropriate, the responsible official would encourage State, county, and other local governments and federally recognized Tribes to seek cooperating agency status. *See § 219.4(a)(8)*
- The proposed rule would require the responsible official to review the planning and land use policies of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments. *See § 219.4(b)(2).*

13. Tribal Consultation and Participation

What we heard: Many people believe that the agency should recognize the rights and interest of tribes and incorporate them into the planning process. They believe the agency should emphasize the obligations that the Forest Service has to honor the exercise of treaty rights on NFS lands and the need to fully recognize the government-to-government relationship that exist between the Federal government and federally recognized tribes.

Response:

- The proposed rule explicitly states that it would not affect treaty rights. *See § 219.1(e)*

- The proposed rule would acknowledge the Federal government's obligations and responsibilities to Indian Tribes and Alaska Native Corporations in the planning process. *See § 219.4(a)*
- Under the proposed rule, responsible officials would provide to federally recognized Tribes and Alaska Native Corporations the opportunity to undertake consultation. *See § 219.4(a)(5)*
- The proposed rule would require that the responsible official request information about native knowledge, land ethics, cultural issues, and scared sites as part of tribal participation and consultation. *See § 219.4(a)(7)*
- The proposed rule would also seek to involve Tribes and Alaska Native Corporations throughout the process and would require the responsible official to encourage participation in the public process. *See § 219.4(a)(6)*
- The proposed rule would require plan components be designed to provide for protection of cultural and historic resources and management of areas of tribal importance. *See § 219.10(b)(1)(ii)-(iii)*