

Planningrulenoi

From: John D Calandrelli [jdcalan@hotmail.com]
Sent: Wednesday, June 06, 2007 5:50 PM
To: Planningrulenoi
Subject: Planning Rule NOI Comments

Planning Rule NOI Comments
 PO Box 162969
 Sacramento, CA 95816-2969
 Fax: (916) 456-6724
 planningrulenoi@fscomments.org

Dear Forest Service:

The worse use of our National Forests is to cut them down. Next to that would be motorized vehicles racing through the trees. How about some 'service' in the Forest Service and protect and restore our National Forests?

Please accept these scoping comments for the preparation of the environmental impact statement to analyze and disclose potential environmental consequences associated with the National Forest System land management planning rule.

The public looks to the National Forest Management Act to ensure that the Forest Service will maintain viable wildlife populations and properly manage our national forests for future generations. The 2005 forest planning regulations undermine wildlife, clean water, and other environmental protections. The regulations reduced requirements for environmental review, weakened wildlife protections, and limited public participation in the development of management plans for individual forests. A critical component of past forest planning regulations is the requirement of mandatory resource protection standards for all forest plans. The EIS needs to analyze the direct and indirect effects of eliminating resource protection standards from forest plans and the impacts of eliminating wildlife viability and monitoring requirements.

In the development of the forest planning EIS, I urge that the Forest Service reconsider the exemption of forest management plans, revisions or amendments from environmental review and meaningful public input under the National Environmental Policy Act (NEPA). Without the NEPA process, the public is not given adequate information to evaluate the environmental consequences of forest plans and disregards the best available science in favor of commercial interests. Eliminating the need for forest managers to assess potentially harmful impacts on water, wildlife, recreational use, old growth and roadless areas, will make it easier for timber, oil, gas, mining and motorized recreation corporations to access national forests. Such a proposal would create a system that benefits the few at the expense of Americans who own our national forests and cherish them as a legacy for future generations. The EIS should fully analyze impacts of exempting forest plans from NEPA and consider alternatives that require full NEPA analysis and public participation.

The Forest Service should also take into account the breadth of new scientific and socio-economic information. The Forest Service should fully analyze other alternatives to the 2005 planning rule that include strong standards to protect forests, waters and wildlife, and evaluate the adoption of some or all of the 1982 and 2000 regulations. Alternatives should also include requirements for the agency to develop plans to address impacts of climate change.

Since this is the first time the public has the opportunity to participate in an EIS process for the new forest planning regulations, the Forest Service needs to modify NEPA deadlines in order to allow time to thoughtfully consider public comments throughout the NEPA process.

Thank you for the opportunity to comment,

John D Calandrelli
 22 Brainard Rd
 Enfield, CT 06082

Planningrulenoi

From: Tom Dickinson [dickintw@colorado.edu]
Sent: Wednesday, June 06, 2007 5:22 PM
To: Planningrulenoi
Subject: Planning Rule NOI Comments

Planning Rule NOI Comments
 PO Box 162969
 Sacramento, CA 95816-2969
 Fax: (916) 456-6724
 planningrulenoi@fscomments.org

Dear Forest Service:

Please accept these scoping comments for the preparation of the environmental impact statement to analyze and disclose potential environmental consequences associated with the National Forest System land management planning rule.

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In the development of the forest planning EIS, I urge that the Forest Service reconsider the exemption of forest management plans, revisions or amendments from environmental review and meaningful public input under the National Environmental Policy Act (NEPA). Without the NEPA process, the public is not given adequate information to evaluate the environmental consequences of forest plans and disregards the best available science in favor of commercial interests. Eliminating the need for forest managers to assess potentially harmful impacts on water, wildlife, recreational use, old growth and roadless areas, will make it easier for timber, oil, gas, mining and motorized recreation corporations to access national forests. Such a proposal would create a system that benefits the few at the expense of Americans who own our national forests and cherish them as a legacy for future generations. The EIS should fully analyze impacts of exempting forest plans from NEPA and consider alternatives that require full NEPA analysis and public participation.

The Forest Service should also take into account the breadth of new scientific and socio-economic information. The Forest Service should fully analyze other alternatives to the 2005 planning rule that include strong standards to protect forests, waters and wildlife, and evaluate the adoption of some or all of the 1982 and 2000 regulations. Alternatives should also include requirements for the agency to develop plans to address impacts of climate change.

Since this is the first time the public has the opportunity to participate in an EIS process for the new forest planning regulations, the Forest Service needs to modify NEPA deadlines in order to allow time to thoughtfully consider public comments throughout the NEPA process.

As a citizen who takes an active interest in our National Forests and other public lands, I believe strongly that the NEPA process works to the benefit of the resources and the stakeholders when it is followed and interpreted strongly.

Thank you for the opportunity to comment,

Tom Dickinson
 935 Laramie Blvd Unit C

Boulder, CO 80304

Planningruleno

From: Dakota Otto [dakotatwocrows@ahoo.com]
Sent: Wednesday, June 06, 2007 5:20 PM
To: Planningruleno
Subject: Planning Rule Comments

Dear Forest Service,

I am writing to urge a thorough review of the environmental disaster that will result if the 2005 NFMA rules are adopted. I also want to urge the Forest Service to consider accepting the alternative rules that will better protect our public forests, roadless areas, clean water, habitat for fish & wildlife, low-impact recreation, and a livable climate.

I strongly oppose the proposed rules. They eliminate virtually all environmental safeguards and they remove a key requirement to ensure wildlife viability. These rules will mean less public involvement and more logging of big, old trees in our national forests. I don't like the idea of another sweetheart deal for the timber industry.

Please consider the following recommendations:

1. Require that areas with low road density, including all roadless areas 1,000 acres and larger, be carefully evaluated and protected. Roadless areas are the last, best places for wildlife, water, and scientific study areas. Roadless areas may be the only place to fully realize some important ecological values such as large snag habitat. Areas with low road density must be protected, not further destroyed with more roads and logging. Retain the Roadless Rule that protects 58 million acres of National Forest land.
2. Consider the value of National Forests as places to sequester carbon and help mitigate climate change. To fulfill NFMA's requirements to inventory renewable resources and identify hazards to forest resources, the planning rules must require that carbon fluxes involving forests and soil be accounted for in planning and future management. Logging and road building release vast amounts of carbon from both vegetation and soil, while healthy mature forests are a good place to securely store carbon and keep it out of the atmosphere where it causes global warming. Given the very urgent nature of our global climate problem, there is no longer any legitimate excuse for logging mature & old-growth forest.
3. Use a rational decision-making framework in all forest plan amendments by considering alternatives, disclosing environmental consequences, and consulting experts as required by NFMA and the National Environmental Policy Act (NEPA). The Forest Service must actively involve the public and consider environmental concerns at all steps of the planning process.
4. Do not presume that management activities are benign. The rules must require site-specific "suitability analysis" for each management activity. Seek the highest and best public use of our public lands, or as Gifford Pinchot says, "the greatest good for the greatest number." Do not presume that logging, mining, and grazing are suitable uses unless the weight of evidence shows them to be necessary and sustainable.

In conclusion, please consider alternatives that will protect and restore our National Forests that have been degraded by a century of mismanagement. The public consensus is that the Forest Service should stop degrading our forests and start investing in forest restoration. There is plenty of important work to do, such as closing and fixing roads, managing prescribed fire, weed control, recreation management, stream rehabilitation, and thinning small trees in dense young stands to restore old growth characteristics. Let's work together to keep our Commons for the common good.

Dakota Otto
 1012 bellview ave
 Ashland, OR 97520

Planningruleno1

From: Sherry Redd [sherry.redd@wmni.net]
Sent: Wednesday, June 06, 2007 4:54 PM
To: Planningruleno1
Subject: Planning Rule Comments

Dear Forest Service,

Now is the time for more enviromental safeguards not less.

I live in rural Oregon and know what the forests are like and can imagine the mess the new rules will make.

I am writing to urge a thorough review of the environmental disaster that will result if the 2005 NFMA rules are adopted, and to urge the Forest Service to consider alternative rules that will better protect our public forests, roadless areas, clean water, habitat for fish & wildlife, low-impact recreation, and a livable climate.

I strongly oppose the proposed rules because they eliminate virtually all environmental safeguards and remove a key requirement to ensure wildlife viability. These rules will mean less public involvement and more logging of big, old trees in our national forests. I don't like the idea of another sweetheart deal for the timber industry.

Please consider the following recommendations:

1. Require that areas with low road density, including all roadless areas 1,000 acres and larger, be carefully evaluated and protected. Roadless areas are the last, best places for wildlife, water, and scientific reference points. Roadless areas may be the only place to fully realize some important ecological values such as large snag habitat. Areas with low road density must be protected, not further destroyed with more roads and logging. Retain the Roadless Rule that protects 58 million acres of National Forest land.
2. Consider the value of National Forests as places to sequester carbon and help mitigate climate change. To fulfill NFMA's requirements to inventory renewable resources and identify hazards to forest resources, the planning rules must require that carbon fluxes involving forests and soil be accounted for in planning and future management. Logging and road building release vast amounts of carbon from both vegetation and soil, while healthy mature forests are a good place to securely store carbon and keep it out of the atmosphere where it causes global warming. Given the very urgent nature of our global climate problem, there is no longer any legitimate excuse for logging mature & old-growth forest.
3. Use a rational decision-making framework in all forest plan amendments by considering alternatives, disclosing environmental consequences, and consulting experts as required by NFMA and the National Environmental Policy Act (NEPA). The Forest Service must actively involve the public and consider environmental concerns at all steps of the planning process.
4. Do not presume that management activities are benign. The rules must require site-specific "suitability analysis" for each management activity. Seek the highest and best public use of our public lands, or as Gifford Pinchot says, "the greatest good for the greatest number." Do not presume that logging, mining, and grazing are suitable uses unless the weight of evidence shows them to be necessary and sustainable.

In conclusion, please accurately describe the 2005 rules as the ecological disaster they really are, and consider alternatives that will protect and restore our National Forests that have been degraded by a century of mismanagement. The public consensus is that the Forest Service should stop degrading our forests and start investing in forest restoration. There is plenty of important work to do, such as closing and fixing roads, managing prescribed fire, weed control, recreation management, stream rehabilitation, and thinning small trees in dense young stands to restore old growth characteristics. Let's get to it.

Sherry Redd
 639 Lees Cr.

PLR54

Yoncalla, OR 97499

Planningruleno

From: John Witte [jwitte@reed.edu]
Sent: Wednesday, June 06, 2007 4:49 PM
To: Planningruleno
Subject: Planning Rule Comments

Dear Forest Service,
Environmentally sound management of OUR National Forests needs to paramount! So out with the disasterous 2005 NFMA rules and in with a set of rules that are consistent with better protection for OUR public forests, roadless areas, clean water, habitat for fish & wildlife, low-impact recreation, and a livable climate.

John Witte
4855 SE Tenino CT
Portland, OR 97206

Planningruleno

From: George & Frances Alderson [george7096@comcast.net]
Sent: Wednesday, June 06, 2007 4:21 PM
To: Planningruleno
Subject: Planning Rule Comments

Dear Forest Service,

Please include this message as our comment on the NOI for an EIS supporting the 2005 NFMA planning rule. We have participated in planning efforts for several national forests, including the Allegheny National Forest near us in Pennsylvania. I (George) am retired from a career in federal land management and environmental protection.

We are opposed to the 2005 planning rule and urge the Forest Service to abandon the effort to reinstate it. The 2000 rule was working very well, as we know from personal experience as participants in the Allegheny NF planning project and those for other forests.

The 2000 rule enables the Forest Service to make broad allocations of National Forest System lands among various public and commercial uses. It brings the Forest Service's deep ecological expertise into the process, including aquatic, riparian and upland ecology. It brings the public into the process at a stage where environmental impacts are being considered, both early (at the scoping stage) and later (at the draft and final EIS stages).

We dispute the claim in the Federal Register notice (May 11, 2007) that the 2000 rule was complex, unclear, difficult and expensive to implement, and so forth. The lands themselves are complex, and deciding how to manage them may well be unclear and difficult. That is in the nature of national forests when they are managed for the people of the United States to provide a wide range of multiple uses. We believe this was understood by Congress when the National Forest Management Act was adopted. It ill serves NFMA or the public to adopt a skeletal, short-cut planning rule like the 2005 one.

The 2005 rule was apparently aimed at getting environmental concerns out of the picture, so more timber sales could be done, and thus more NFS lands could be logged without pesky environmental considerations. The 2005 rule makes it easier for FS managers to ignore impacts of logging against aquatic ecology and against the complex ecology of riparian zones and uplands.

We want the Forest Service to consider the following in the forthcoming EIS:

1. Forest plans are not just strategic instruments. As Congress intended, they have a concrete effect in management of diverse resources on each national forest. There must be environmental analysis in the form of an EIS to support the major resource allocations made in each plan. The public must be involved in the major steps, at scoping, draft, and final.
2. The process under the 2000 rule facilitates public participation, leading to wider agreement on management of NFS lands. This can be seen in recent collaborative projects between logging companies, hunting and fishing groups, and wilderness groups, such as the Beaverhead-Deerlodge agreement. The environmental information assembled by the Forest Service contributes to this kind of agreement. The 2005 rule deprives the public of the facts, meaning that everybody tends to envision the worst-case scenario. Remember, the EIS is not just for the Forest Service managers, it is for the stakeholders and public officials who want to understand the effects of different alternatives for future management of the forest.
3. The 2000 rule emphasizes a multiple-resource view of the forest, with alternatives as to how those different resources could be handled. The 2005 rule postpones much environmental analysis to a later stage, where the focus would be on single resource programs such as timber sales. The multiple-resource management of the forests would be impaired by adoption of the 2005 rule. Logging would come out ahead, but all other resources will be at a disadvantage.

4. We believe millions of acres could be assigned to timber sales under the 2005 rule

without having due consideration of alternative management prescriptions for those lands. The forest plans developed under the 2000 rule have used a number of excellent prescriptions to reconcile conflicts between logging and public uses. These could be discouraged by the short-cut process of the 2005 rule. The impacts of increased logging must be considered in this EIS.

Thank you for considering our views.

George & Frances Alderson

George & Frances Alderson
112 Hilton Avenue
Baltimore, MD 21228

Planningrulenoi

From: Pepper Trail [ptrail@ashlandnet.net]
Sent: Wednesday, June 06, 2007 3:23 PM
To: Planningrulenoi
Subject: Planning Rule Comments

Dear Forest Service,

The National Forest Management Act (NMFA) is a cornerstone of the responsible management of America's national forests - lands that belong to all Americans. In 2005, a series of ill-conceived rule changes to the NMFA were pushed through with little input from the public, scientists, or the environmental community. Now, following a series of setbacks in court, the administration is trying again to weaken NFMA through these rule changes. If adopted, this would prove disastrous for the ecological integrity of our National Forests. I urge the Forest Service to consider alternative rules that will better protect our public forests, roadless areas, clean water, habitat for fish & wildlife, low-impact recreation, and a livable climate.

I strongly oppose the proposed rules because they eliminate virtually all environmental safeguards and remove a key requirement to ensure wildlife viability. These rules will mean less public involvement and more logging of big, old trees in our national forests. These changes are misguided, at best.

Please consider the following recommendations:

1. Given that non-federal lands fail to sustain public values like clean water, wildlife habitat, and carbon storage, those values must be provided by public lands. Thus, commodity extraction is not an appropriate use of our National Forests. We should not compromise public values by using public lands to provide private values like wood products that already flow profusely from non-federal lands, especially when public values are already compromised and public lands are in short supply.
2. The Forest Service must stop viewing forest plans as merely strategic: Congress clearly intended for them to have concrete effect in guiding management activities on our National Forests. Environmental analysis and public involvement for these rules and forest plans must therefore be rigorous.
3. Consider the significant risks posed by the excessive discretion and lack of accountability in these rules. Forest management decisions have long-term consequences. Giving too much discretion to unaccountable bureaucrats is a recipe for big mistakes with big consequences.
4. Consider the loss of public support due to the exclusion of the public from decisions they are accustomed to participating in. The Forest Service must recognize that it exercises power only with the consent of the public. Excluding the public won't make the agency's life easier. It will make the public more distrustful, reduce public support, and effectively reduce the scope of the agency's power.

In conclusion, please accurately describe the 2005 rules as the ecological disaster they really are, and consider alternatives that will protect and restore our National Forests that have been degraded by a century of mismanagement. The public consensus is that the Forest Service should stop degrading our forests and start investing in forest restoration. Please consider this in your EIS.

Pepper Trail
 2011 Crestview Dr
 Ashland, OR 97520

Planningruleno

From: Deanna Sterett [dsterett@hughes.net]
Sent: Wednesday, June 06, 2007 3:22 PM
To: Planningruleno
Subject: Planning Rule Comments

Dear Forest Service,

I ask you to adhere to the letter and spirit of the National Forest Management Act of 1976. I oppose the criminally irresponsible national forest planning regulations that have been proposed by the Bush administration. President Bush is attacking values that are very important to me, such as a) a livable climate; b) water to drink; and c) the survival of species. Please adopt rules that will protect and restore our National Forests.

Deanna Sterett
35776 NE Kramien Road
Newberg, OR 97132

DATE:

6/6/07

TO:

NOI Planning

ATTN:

(916) 456-6721

FROM:

C. CONRAD

PAGES (including cover sheet)

2

PR59

No. 1713 P. 2

SIERRA PACIFIC INDUSTRIES

Jun. 6. 2007 5:28PM

Christopher J. Conrad
20405 Brook Drive
Sonora, CA 95370

June 6, 2007

Planning Rule NOI Comments
U.S.Forest Service
PO Box 162969
Sacramento, CA 95816-6724

To Whom It May Concern:

I ask that you move as quickly as possible to complete the EIS for the 2005 National Forest System Land Management Planning Rule. This rule will improve public involvement, save the government millions of dollars annually, enable the agency to better manage our national forests, focus environmental analysis at the appropriate level, and better respond to the best scientific information.

Since the agency must conduct NEPA work on the 2005 rule as per the court order, I urge you to analyze only the proposed rule and the no action alternative. The agency must disclose to the public the impact of failing to reduce time and resources spent on planning as a result of dropping or significantly changing the 2005 rule.

Please accelerate your efforts to get through the NEPA process required by the court and get on with the management of our national forest lands.

Thank you for consideration of my views.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Conrad", with a large, stylized "C" at the beginning.

Christopher J. Conrad

Planningrulenoi

From: Melinda Rivasplata [melrivas@earthlink.net]
Sent: Tuesday, June 05, 2007 9:59 PM
To: Planningrulenoi
Subject: Planning rule

To Whom it May Concern

This is written regarding the NOI issued for the EIS to be prepared for the proposed National Forest System Land Management Planning rule. The NOI does not comply with CEQ Guidance (40 CFR 1508.22) in that it does not describe the proposed action. This is apparently a crude attempt by the Forest Service to meet the letter of NEPA without complying with its intent. The Forest Service's statement under the Background discussion that it is not in agreement with the court's ruling forcing it to follow federal laws is unnecessary and out of place in a scoping document. It is indicative of the contempt that the Forest Service apparently holds for the legally required processes.

The NOI must provide sufficient information about the proposed action to allow commenters to offer information regarding environmental and social issues related to the proposal. Here, the commenter faces the simple statement: "The Agency expects to public a rule for comment in late June." That is not a sufficient description of the proposed rule.

The description of the Purpose and Need for the rule simply describes the history of the 2005 rule and the Forest Service's tortured logic for abandoning the 2000 rule. It does not describe what is to be included in the proposed new rule.

The Federal Register notice makes it clear that publishing of the proposed rule and issuance of the draft EIS coincide. The Forest Service is not taking the NOI process seriously if it is preparing a draft EIS before the public has been given a genuine opportunity to review the proposed rule and to offer scoping comments that may guide the content of the draft EIS.

In the absence of a known project, I offer the following additional comment: I believe that the EIS to be prepared for this rule will need to consider, at minimum, the potential impacts on forest resources; biological impacts, including special status species and their habitats; hydrological impacts; impacts of potential loss of forest cover as that may relate to global climate change; economic impacts on recreational users of the National Forests; potential aesthetics impacts; and the full gamut of other NEPA issues.

This process is obviously insufficient to meet either the letter or intent of NEPA's scoping provisions. There needs to be additional opportunity for scoping before work begins on the draft EIS. I recommend that the Forest Service issue another NOI when the proposed rule is available for review and extend the scoping process from that point.

Thank you.

Melinda Rivasplata
 Sacramento

Planningrulenoi

From: Stephen Price [sgpsma@yahoo.com]

Sent: Wednesday, June 06, 2007 7:16 AM

To: Planningrulenoi

Dear Forest Service officials:

I am writing about the changes in Forest planning regulations. Our National Forests are a rare treasure and are increasingly valuable as our population is now 300 million and projected to increase by 50% in a few decades. The economic use of forests is too narrowly considered, without sufficient for even the economic value of standing forests in water quality, air quality, reduction of global warming, wildlife and botanical species preservation, and other high-value factors.

I appeal to you to return to the 1982 NFMA regulations for the planning process, which do a much better job of encompassing the true values of our wonderful National Forest system.

Sincerely,

S. Gregory Price

256 Manor Circle

Takoma Park MD 20912

301-270-2009

Need a vacation? [Get great deals to amazing places](#) on Yahoo! Travel.

Planningruleno

From: Dick Artley [DArtley@connectwireless.us]
Sent: Wednesday, June 06, 2007 6:24 PM
To: Planningruleno
Cc: Tom Tidwell; Abigail Kimbell
Subject: Planning Rule NOI Comments

June 6, 2007

Planning Rule NOI Comments
 P.O. Box 162969
 Sacramento, CA 95816-2969

Subject: Comments on the Forest Service's Notice of Intent to prepare an EIS analyzing the effects of the 2005 planning rule

Dear Forest Service Representative,

I am familiar with pages 26775-26776 of the May 11, 2007 Federal Register which contains the NOI for the agency's plans to prepare an EIS to analyze and disclose potential environmental consequences associated with the 2005 National Forest System land management planning rule.

As the Federal Register explains, the 2005 rule was declared illegal by United States District Court Judge Hamilton's order dated March 30, 2007 in *Citizens for Better Forestry, Environmental Protection Information Center, Center for Biological Diversity, the Ecology Center, Gifford Pinchot Task Force, Kettle Range Conservation Group, Idaho Sporting Congress, Friends of the Clearwater, Utah Environmental Congress, Cascadia Wildlands Project, Klamath Siskiyou Wildlands Center, Southern Appalachian Biodiversity Project, Headwaters, the Lands Council, and Oregon Natural Resources Council Fund v. USDA*. Judge Hamilton is seated at the bench of the Federal District Court for the Northern District of California.

Further, Judge Hamilton enjoined the USDA Forest Service from using the 2005 planning rule direction to complete forest plan revisions that were underway at the time of the court order, until the rule is changed to comply with the 1) the Administrative Procedures Act, 2) the Endangered Species Act, and 3) the National Environmental Policy Act.

The Federal Register explains that this NOI initiates the scoping for the NEPA process. Specifically, the public is instructed to indicate what they believe should be the "nature and scope of environmental, social, and economic issues that should be analyzed in the draft environmental impact statement."

6/7/2007

PLR63

In plain language, the public is being asked to indicate issues that they feel must be analyzed in the DEIS.

I intend to do just that!

The Background of this Commenter

I have unique expertise and knowledge to comment on this NOI.

In September of 2003, I retired as the forest planner for the Nez Perce National forest in Idaho. I held that position on that forest for 9 years. On a daily basis my position required me to work very closely with our forest plan, which was prepared under the guidance of the 1982 planning regulations.

During my 9 year tenure as forest planner, I was charged with leading the NEPA process for all amendments that were made to the Nez Perce National Forest plan. I was also responsible for reviewing all project-level NEPA documents prepared on the forest to assure NFMA (forest plan) consistency and legal compliance with the NEPA.

Introduction

Near the top of Federal Register (page 26776) it states "While the Agency is not in agreement with the Court's decision."

The text of this Federal Register publication was written by Gregory Smith, Acting Deputy Chief of the National Forest System. For Mr. Smith to reach this level in the agency and be chosen to write this publication, presumably he is quite knowledgeable about the environmental laws of the United States.

The fact that Mr. Smith infers that Judge Hamilton's decision was in error shows that the agency will stop at nothing to see that the 2005 Planning Rule is reinstated. A federal agency has no business taking an official position in public opposing the ruling of a Federal judge without watertight proof.

Any public statement by an Acting Deputy Chief of the Forest Service clearly constitutes an official position of the agency.

The following comments will not be popular with the USDA or the Forest Service.

To assure that these comments are read and considered by the USDA and Forest Service and not lost, I am mailing a hardcopy to the Chairman of the Senate Subcommittee on Public Lands and Forests.

A Comparison of the 2005 and the 1982 Planning Rules

Neither rule is perfect. Below, is a comparison of:

- 1) the rules themselves, and
- 2) the forest plans that will be produced using the guidance contained in each rule.

1) A comparison of the rules themselves in several important areas.

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Cost and Manpower to Implement the Rules

1982 Rule: The rule complied with the National Forest Management Act, therefore an EIS/ROD. This costs money and requires time.

2005 Rule: The rule is categorically excluded, thus costing less to implement the rule.

Committee of Scientists' Input into the Rules

1982 Rule: The first planning rule was adopted in 1979 by the Carter Administration. It utilized the recommendations of a Committee of Scientists'. The 1979 rule was subsequently updated by the Reagan Administration to become the 1982 rule. The Forest Service has always relied on a Committee of Scientists' to assist in developing or revising the planning rule until the 2005 rule.

2005 Rule: No Committee of Scientist's was convened to provide input to the USDA employees who wrote the 2005 rule.

Consistency with the Environmental Laws of America

1982 Rule: The rule complies with all existing laws.

2005 Rule: Judge Hamilton has already decided that the 2005 rule violates the Endangered Species Act and the National Environmental Policy Act.

In addition, the 2005 rule violates the National Forest Management Act (NFMA) of 1976 in the three following ways:

1) Under the NFMA, the Forest Service is required to base its management decisions on the best available science. Under the 2005 rule, the role of science is diminished to just "one aspect of decision-making." Also, the 2005 rule clearly allows "competing use demands" to override best science.

2) Under the NFMA the Forest Service is required to prepare an Environmental Impact Statement consistent with the National Environmental Policy Act (NEPA) whenever a forest plan is revised or significantly amended. This required a range of action alternatives to be considered.

Under the 2005 rule, the Forest Service is allowed "categorically exclude" forest plans from the natural resource analysis requirements and public involvement of an EIS done under the NEPA. Actions that are categorically excluded need have only one action alternative ... the Forest Service way.

3) Under the NFMA, the Forest Service is required to maintain species viability regardless of the natural or manmade incidents that might occur. Under the 2005 rule, the NFMA species viability requirement is discretionary.

The phrase "species viability" is never mentioned in the 2005 rule. Instead, the 2005 rule states that an "overall goal" for the land manager

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should be to "provide a framework to contribute to sustaining native ecological systems." The 2005 rule gives broad discretion to the forest supervisor to protect sensitive species populations "to the degree determined appropriate."

2) A comparison of key characteristics of forest plans that are prepared by agency employees guided by the direction contained in each rule.

Management Consistency between National Forests

1982 Rule: Because of the specifics in forest plans required by this rule, the public knew that there were limits to the amount of natural resource degradation they might encounter on any national forest they might visit in the nation.

2005 Rule: There will be no management consistency between forests as a result of the 2005 rule guidance. Each line-officer is encouraged by the rule to exercise maximum flexibility, and since all Forest Service line-officers are human, such flexibility will be dictated by personal values.

Management Flexibility for a Forest Service Line-Officer

1982 Rule: The forest plans prepared under this rule have zones or management areas where the plan specifies what may, and may not be done.

2005 Rule: The rule grants almost complete management discretion to Forest Service officials when they take land-disturbing actions on land owned by the public. Associate forest service chief Sally Collins hailed the 2005 rule by saying it helps the Forest Service create "a dynamic living document that allows us to respond rapidly to changing conditions."

The 2005 rule produces (what are called by many) "anything goes" forest plans.

Clearly, too much flexibility, or management without restraint is not a good thing.

The 35,000 Forest Service employees hold the total range of American values. Without some restraint, some forests might end up being managed as total do-nothing maintenance plots of ground, while other forests would be aggressively managed for commodity outputs as if they were industrial tree farms.

In the interest of flexibility, the final rule allows major changes to be made to a plan at a moment's notice ... without public notification.

One could not conceive of a more favorable way to change a plan (and subsequently change a national forest on the ground) in a way that would be opposed by the majority of forest users ... and get away with it.

Public Appeal Opportunities for USFS Projects they feel are Unacceptable

1982 Rule: Citizens had the right to use the administrative appeal process for parts of a forest plan they wanted changed before the plan became final. Appeals often resulted in better forest plans (and certainly cost savings), since they allowed resolution of issues that might otherwise be subject to Federal court litigation.

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Similarly, any amendments to plans written under the guidance of the 1982 rule must be done with full public involvement and such amendments are also subject to appeal.

2005 Rule: It replaces the administrative appeal process with a predecisional objection process.

NEPA Documentation of the Final Forest Plan

1982 Rule: It complies with the NFMA by requiring an EIS/ROD.

2005 Rule: It would exempt forest plans from any meaningful environmental analysis (required by the NEPA) by Categorically Excluding any final forest plan.

Public Involvement Opportunities when Forest Plans are Revised and Amended

1982 Rule: It allows all usual public input afforded by the NEPA.

2005 Rule: Categorically excluding forest plans deprives the American citizens of their right to understand and comment knowledgeably on forest plan alternatives and their environmental consequences, since with categorical exclusions there are no alternatives ... only the agency's predetermined action.

The 2005 rule further denies public involvement by allowing the Forest Service to adopt interim forest plan amendments of unlimited scope with no public notice or opportunity for comment or objection. These amendments could be in effect for up to four years and renewed indefinitely ... thus becoming permanent.

Natural Resource Monitoring

1982 Rule: This rule required each forest plan to contain a process to monitor activities intended to implement the plan.

2005 Rule: The 2005 rule declares that forest units should employ an adaptive management technique called "environmental management system." Adaptive management is only successful with a robust monitoring program.

In spite of this, the 2005 rule mentions monitoring, but allows it to be a voluntary action that might be taken at some later date.

The 2005 rule does not require each forest plan to contain a Monitoring & Evaluation process.

Measureable Standards

1982 Rule: The 1982 rule required each forest plan to display measureable natural resource standards in each forest plan.

These standards are still the primary focus of project monitoring by natural resource specialists. If a specialist finds that a measureable forest plan standard has been exceeded, they then work with the contractor and project administrator to determine what is occurring to cause the standard to be exceeded, and halt that action.

Standards common to vast majority of forest plans in the nation prepared under

PLR 63

the 1982 rule are:

A) Each specific Management Area bounded on a map has unique standards for the following resource elements: range, timber, water, minerals, facilities, air quality, recreation, lands, wildlife and fish, and fire protection.

B) Each of the natural resources when encountered forest-wide have the following limits defined:

- percent of forested acres maintained as old-growth and old-growth replacement,
- manage riparian areas to support a pre-determined percentage of the maximum populations of snag-dependent species,
- provide a pre-determined number of snags per acre of a certain size (for snag dependent wildlife species),
- maximum allowable soil bulk density,
- maximum allowable soil compaction,
- maximum allowable stream sediment.

2005 Rule: The 2005 rule does not require that each forest plan establish any quantifiable standards which represent points at which natural resources might become harmed.

This is the single most damning attribute of the 2005 rule. Without forest plan standards, the public has no way to hold the Forest Service accountable for even a mediocre job of land management.

The Clinton Planning Rule of 2000

The planning rule of 1982 worked quite well to guide all national forests in America through their first round of forest planning. The plans produced by the 1982 rule were understood by the agency land managers as well as the public. The most important thing was ... they worked.

However, in 25 years many things change. The expectations of the public changed, and the condition of the resources on the public land changed. President Clinton recognized this, so he put together a new Committee of Scientists' in 1998, and with their recommendations, he issued an update to the 1982 rule on November 9, 2000. This 2000 planning rule was documented with an EIS/ROD.

Please read the next section written by Dr. George Hoberg to understand how the Bush administration dealt with the planning regulations issued by President Clinton.

The Bush Administration's Response to the Clinton Rule

"6. The George W. Bush Administration Response

The Bush administration clearly has a different approach to environmental issues generally, and forest policy in particular. In terms of personnel, Clinton's Undersecretary of Agriculture Jim Lyons, an ally of environmental groups, was replaced by Mark Rey, who worked at the American Forest and Paper Association, the leading forest industry association, before serving on Senate GOP committee staff. The Bush administration moved quickly to review the new rule and in May 2001 issued a Federal Register notice suspending its application. In December 2002, the administration proposed a new rule, which if

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adopted would represent a marked departure from the 2000 rule and the 1982 rule it replaced (67 Fed. Reg. 72770-72815, December 6).

Among the several significant changes in the Bush proposal, in the context of this analysis two in particular stand out. First, the administration proposes to remove the priority of ecological sustainability over economic and social sustainability. The new language emphasizes integration and balance: "This proposed rule emphasizes the interconnection between the ecological, social, and economic components of sustainability, and requires consideration of each in the planning process... In contrast to the 2000 rule, this concept of sustainability is linked more closely to the MUSYA in that economic and social components are treated as interdependent with ecological aspects of sustainability, rather than as secondary considerations" (67 Fed. Reg. 72799). Thus, while embracing the modern term of sustainability, the Bush proposal reverses the Clinton rule's new mission of prioritizing ecological sustainability, and returns to the balancing approach more consistent with the multiple-use mandate as traditionally defined.

Second, the Bush proposal would eliminate the mandatory protection of species viability contained in the 1982 rules, and carried forward in the 2000 rule; instead, it outlines two options for the viability provision, neither of which contains mandatory language."

Dr. George Hoberg
from "Science, Politics, and U.S. Forest Law: The Battle over the Forest Service Planning Rule"
June 2003

Dr. Hoberg's referenced and footnoted 23-page paper may be read in its entirety at:

<http://www.rff.org/Documents/RFF-DP-03-19.pdf>

Why was the 2000 Clinton Rule so Quickly Replaced?

There were 2 primary reasons why the USDA could not allow the Clinton planning rule to be implemented long enough to influence any forest plan for any national forest in America.

1) President Clinton adopted the recommendations of the Committee of Scientists' in his 2000 rule. The primary message in the 1998 Committee of Scientists' Report was that the national forests and grasslands must be managed in an ecologically sustainable manner. Thus, section 219.2 of the 2000 Clinton rule said:

"The first priority for planning to guide the management the National Forest System is to maintain or restore ecological sustainability of national forests and grasslands to provide for a wide variety of uses, values, products, and services."

This terrified "old-guard", "get out the cut at any cost" managers in the Forest Service. They knew that such a rule would produce forest plans that would result in less timber harvest, less mining, and less livestock grazing.

2) The Forest Service was loosing too many lawsuits because it was not living up to the promises that it made to the public in the forest plans prepared under the 1982 planning rule. Forest plans of that era held the Forest Service accountable to do what it said it would do (and not do) in its forest plans. These plans were contracts with the public.

The USDA wanted planning rules that would produce forest plans where the Forest Service has no accountability. They knew the Clinton rule was not it.

The USDA also knew that in order to stop the Clinton rule, it must be rejected by the Forest Service itself.

The Larson Report

USDA Acting Deputy Under Secretary David Tenny directed a five-member review team of Forest Service personnel to conduct an internal, three-week review of the Clinton planning regulations. The team was led by Larry Larson.

The team's charter was to "identify major concerns and develop options to address those concerns." The guidance given to the Forest Service team was never intended to result in an unbiased review. The team was told to find flaws in the Clinton planning regulations and suggest solutions.

The findings of the Forest Service review team were determined by the USDA before the review team was ever organized. The USDA was assured that the review team would meet their expectations because the guidance to the team could result in nothing else.

The review team followed their orders well ... too well.

On April 10, 2001 the 22 page "Larson Report" was completed.

The Report exceeded its mandate by calling for significant weakening of the National Forest Management Act, the Endangered Species Act, and National Environmental Policy Act.

The Larson Report ignores and contradicts the contents of the 1998 Committee of Scientists' report. Past members of the Committee of Scientists' have written to the USDA Secretary to express their outrage with the content of the Larson Report.

Below are a few quotes from the Larson Report:

- (the Clinton planning rule will be) "impossible ... to successfully implement"
- "a substantially different Rule and new transition framework are necessary"
- (the concept of ecological sustainability is) "immeasurable"
- (methods to assess biological diversity and species viability have) "always been fraught with inconsistency and lack of consensus"
- (the viability of non-listed species could merely be a) "consideration within the context of overall multiple use objectives"

USDA Acting Deputy Under-Secretary David Tenny released the Larson Report publicly soon after it was completed to assure that there would be no requests made for an independent scientific peer review.

Congress could never had Anticipated the need for a Law Prohibiting Federal Departments & Agencies from knowingly Publishing False Information for Public Consumption

Section 4 of the 2005 planning rule titled "Department Response to Comments on the 2002 Proposed Rule" is published in Vol. 70, No. 3 of the Federal Register. Below are a some public comments and the USDA's response to those comments published in the Federal Register.

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Public Comment: "Several respondents were concerned that there was no consultation with a committee of scientists in developing the 2002 proposed rule."

USDA Response: "The NFMA does not require a committee of scientists for revision of the planning rule. Nonetheless, the Department based the 2002 proposed rule on the major recommendations from the 1999 Committee of Scientists report."

This Commenter's Statement: The Committee of Scientists' report indicated that ecological sustainability must be given priority over social and economic sustainability in any forest plan. This was the Committee's primary and major recommendation to the Forest Service.

The 2005 rule clearly directs that forest plans be written to assure that social, economic, and ecological considerations be given equal weight when making decisions that affect national forest land and resources. This directly opposes the major recommendation made by the 1999 Committee of Scientists'.

The USDA response above is false statement #1.

Public Comment: "Some respondents disagreed with the 2002 proposed rule discussion of the difficulty of implementing the 2000 planning rule, since the 2000 planning rule was never used."

USDA Response: "The costing study, "A Business Evaluation of the 2000 planning rule and the Proposed NFMA Planning Rules," analyzed each of the work activities of the 2000 planning rule and used experienced planners and resource professionals to estimate how those work activities would be carried out. The Department believes that this analysis on the 2000 planning rule was adequate to determine how well that rule could be implemented."

This Commenter's Statement: The Clinton 2000 planning rule was simply an update of the 1982 planning regulations that had worked quite well for nearly 2 decades. Enough said.

The USDA response above is false statement #2.

Public Comment: "Several respondents said that the inability of the Forest Service to comply with a statutorily mandated revision timeline was due to reasons other than the requirements of the 1982 or 2000 planning rules."

USDA Response: The Forest Service experience showed that the cost and unnecessary complexity of the planning process for the 1982 planning rule were the major causes of plan delays; this experience and the costing study indicated that the 2000 planning rule would exacerbate these concerns.

This Commenter's Statement: The Department knows that national forests are places with countless natural resources all interacting in different ways. Any plan to manage such a complex system must be complex itself.

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The history books will write that the largest source of delay for forest plan revision delay during the beginning of the 21st century was the illegal 2005 planning rule being thrust on the process by the USDA.

The USDA response above is false statement #3.

Public Comment: "Several respondents said that benchmarks, such as those required in the 1982 planning rule, are useful and should still be required."

USDA Response: "The agency's experience with the 1982 planning rule is that benchmarks have not been useful."

This Commenter's Statement: As a USFS forest planner, I found benchmarks to be very useful.

Whenever the subject of benchmarks came up at either: 1) forest planner meetings, or 2) my phone calls with planners on adjacent national forests, never did I hear anyone speak of benchmarks in a negative way. In fact, several times I remember hearing people say how much benefit it was to have the benchmarks.

Never was I queried by the USDA about benchmarks. Neither was any other forest planner I knew. It would seem that forest planners actively using the 1982 rule would have been an excellent source of information about the usefulness of benchmarks.

Practicing forest planners were never asked about the usefulness of benchmarks because the USDA knew what the answer would be.

The USDA response above is false statement #4.

Public Comment: "Several respondents thought the agency should consider analyzing and correcting the 1982 planning rule instead of developing an entirely new rule."

USDA Response: "In many ways, the final rule reflects the 1982 planning rule. However, it makes improvements based on over 25 years of experience."

This Commenter's Statement: The 2005 rule is the antithesis of the 1982 rule.

The USDA response above is false statement #5.

Public Comment: "Some respondents commented that adoption of the final rule is itself subject to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 – 4346), and this rulemaking is a major Federal action having a significant effect on the human environment. Others questioned why previous rulemaking efforts were accompanied by environmental assessments and why this rulemaking was not."

USDA Response: "The Department disagrees that this rulemaking is a major Federal action that has significant effects on the environment because the final rule, which sets out a process for developing plans, plan amendments, and plan revisions, does not have environmental

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effects.

The Forest Service Handbook (FSH) 1909.15, section 31.12, paragraph 2, specifically provides that procedures for amending or revising land management plans may be categorically excluded from NEPA documentation.

The Forest Service produced an environmental assessment for the 2000 planning rulemaking efforts, but asserted at the time that it was going beyond the requirements of the law or policy.

In the spirit of efficiency and streamlining inherent in this rulemaking effort, it seemed inconsistent to produce a NEPA document that was not required or useful. In summary, this final rule does not significantly affect the quality of the human environment and does not trigger NEPA obligations."

Commenter's Statement: In paragraph 3 above, the USDA claims that the Forest Service produced an "environmental assessment" for the 2000 planning rule. This is false. It prepared an Environmental Impact Statement (EIS).

Furthermore, the Forest Service never asserted that it "was going beyond the requirements of the law or policy" before, during, or after it prepared the EIS for the 2000 rule.

The USDA response in paragraph 3 above makes false statements #6 and #7.

Conclusion

As requested in this Federal Register notice, I will summarize the scope (in the form of issues and questions) that the 2005 planning rule DEIS must address and answer.

Issues to Address in the EIS

- 1) Explain how the 2005 rule is consistent with the NFMA when it allows any line-officer to let "competing use demands" override best science at their discretion.
- 2) Please form a new, unbiased Forest Service interdisciplinary review team to examine the 2000 Clinton planning rule again, and report the findings in the EIS. A new and truthful "Larson Report" is past due.
- 3) The Forest Service continually asserts that the 2005 planning rule is categorically excludable under the NEPA. Section 4 of the 2005 rule published in Vol. 70, No. 3 of the Federal Register on January 5, 2005 is titled "Department Response to Comments on the 2002 Proposed Rule."

In section 4, the Department states "The Forest Service produced an environmental assessment for the 2000 planning rulemaking efforts, but asserted at the time that it was going beyond the requirements of the law or policy."

If this was a verbal statement, please include in the EIS for the 2005 rule the name of the person who said it, when it was uttered, and where. Also include the name(s) of the person(s) who heard this statement.

If this was a written statement, please include a transcript of the document, the date the document was prepared and the name of the person who wrote the document.

Questions to Answer in the EIS

- 1) Why did the Forest Service never convene a Committee of Scientists' for the 2005 rule?
- 2) Why did the Forest Service not utilize the primary recommendation (the supremacy of ecological sustainability above all else) of the Committee of Scientists' convened in 1998 by President Clinton? Please explain how the statement "the Department based the 2002 proposed rule on the major recommendations from the 1999 Committee of Scientists report" might be read by any knowledgeable person as anything but an untruth.
- 3) How does the Forest Service propose to successfully implement the adaptive management technique called "environmental management system" without requiring that each national forest develop and document a monitoring program as part of their forest plan? The 2005 rule mentions monitoring, but makes it a voluntary action that may or may not be taken at some later date.

A Suggested Alternative for the EIS

I also know that an agency must consider alternatives suggested by the public. Such alternatives are either fully developed and available for final selection, or discussed in another section of the EIS called "Alternatives Considered but Eliminated from Detailed Analysis."

Either way, I will expect to see this alternative in the FEIS.

When the Forest Service changes the 2005 rule such that it no longer violates the Administrative Procedures Act, the Endangered Species Act, and the National Environmental Policy Act, it will still be the same rule and provide the same guidance to the Forest Service guaranteed to produce meaningless forest plans that hold the Forest Service accountable for nothing.

However, the 2005 rule could be changed in the following 4 ways to at least be potentially acceptable:

- 1) It must require each forest plan (or revised plan) to contain an annual monitoring and evaluation process specifying the resources to be monitored, the monitoring frequency, the data to be collected, how it must be collected, and trigger points that require immediate action.
- 2) It must direct that all forest plans contain must-achieve natural resource standards ... not the pseudo-standard requirement that exists now.
- 3) It must declare that ecological sustainability as the prime directive for national forest management.
- 4) It must require that each forest plan and amendment to that plan comply with the NFMA and be documented in an EIS/ROD.

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The above 4 inclusions represent my suggested alternative. Please consider it.

Finally, please submit your preferred EIS alternative to as many members of the 1998 Committee of Scientists as possible for review, and publicly publish their review.

Based on my USFS experience with the NEPA, I know that when a member of the public requests that specific issues be addressed and/or certain questions be answered in a NEPA document, the agency preparing the document must comply with that request ... or provide some rationale in the document explaining why that was not possible. This is true for all public comments received by the agency in a timely manner.

Since the Federal Register states that public comments must be received by June 11, 2007, and these comments were emailed on the date of this letter (June 6, 2007) these are clearly timely comments.

Sincerely,

Dick Artley (retired Forest Service forest planner)
415 East North 2nd
Grangeville, Idaho 83530
dartley@connectwireless.us
(208)-983-0181

A copy of these comments has been emailed to:
Forest Service Chief Abigail Kimbell

Northern Region Regional Forester Tom Tidwell

Hardcopies of these comments have been mailed to:
Senator Ron Wyden, Chairman, Subcommittee on Public Lands and Forests

6/7/2007

Date: 6/8/07

Pages 4 including this cover sheet

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Comments:

*THE AMENDMENTS REFERRED TO IN THIS
LETTER HAVE NOT BEEN FAXED BUT ARE
INCLUDED WITH THE HARDCOPY. THAT
HARDCOPY IS BEING MAILED.*

GOVERNOR
Bill Richardson



DIRECTOR AND SECRETARY
TO THE COMMISSION
Bruce C. Thompson, Ph.D.

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8008
Fax: (505) 476-8124

Visit our website at www.wildlife.state.nm.us
For information call 505/476-8000
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Alfredo Montoya, Chairman
Alcalde, NM

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Dr. Tom Arvas, Vice-Chairman
Albuquerque, NM

Sandy Buffett, Commissioner
Santa Fe, NM

Jim McClintic, Commissioner
Albuquerque, NM

Terry Z. Riley, Ph.D., Commissioner
Tijeras, NM

M. H. "Dutch" Salmon, Commissioner
Silver City, NM

Leo V. Sims, II, Commissioner
Hobbs, NM

June 7, 2007

Planning Rule NOI Comments
P.O. Box 162969
Sacramento, CA 95816-2969

Re: National Forest System Land Management Planning Notice of Intent to Prepare
An Environmental Impact Statement
NMGF Doc. No. 11456

Dear Sirs:

The New Mexico Department of Game and Fish (Department) has reviewed the National Forest System Land Management Planning Notice of Intent to Prepare an Environmental Impact Statement (NOI).

According to the 11 May 2007 Federal Register announcement (Volume 72, Number 91), the U.S. Forest Service (USFS) is giving notice of its intent to prepare an environmental impact statement (EIS) to analyze and disclose potential environmental consequences associated with the development of a National Forest System (NFS) land management planning rule. The NOI states that the EIS is being prepared in partial response to a court order dated 30 March 2007, in which the United States District Court in *Citizens for a Better Forestry et al. v. USDA* (N.D. Calif.) enjoined the U.S. Department of Agriculture (USDA) from implementation and utilization of the National Forest land management planning rule published in 2005 until the agency [USFS] complies with the court's opinion regarding the Administrative Procedures Act (APA), the Endangered Species Act (ESA), and the National Environmental Policy Act (NEPA).

As stated in the NOI, the nature of the decision to be made is that the responsible official will promulgate a land management planning rule based on an alternative that meets the agency's purpose and need. The NOI initiates the scoping process in compliance with NEPA. As part of the scoping process, the USFS is soliciting public comment on the nature and scope of environmental, social, and economic issues that should be analyzed in the draft EIS for the development of the planning rule. Scoping will include review of comments previous collected during promulgation of the 2005 planning rule (70 FR 1022), USFS agency planning directives (72 FR 4478, 71 FR 10956, 71 FR 5124), and the agency [proposed] categorical exclusion for

land management planning (71 FR 75481), which this court overturned. The nature and scope of the analysis within the draft EIS will focus on the process for development, revision, and amendment of land management plans, and alternatives to it.

The Department has spent considerable time commenting on these different proposals in the past, beginning with the 2000 Strategic Plan revision and Land and Resource Management Planning Proposed Rule. We resubmit for the public record and analysis in the draft EIS our 3 March 2005 comments on the Proposal for Categorical Exclusion for NEPA [compliance] for Land Management Plans (NMGF Doc. No. 9822), our 2 February 2000 comments on the 2000 National Forest System Land and Resource Management Planning Proposed Rule (NMGF Doc. No. 6949), and our 31 January 2000 comments on the Draft USFS Strategic Plan 2000 Revision (NMGF Doc. No. 6946) (attached).

The Department has not in the past and still does not concur with the rationale and intent (which is still implied within this NOI) that led to the USFS/USDA decision to overturn the 2000 proposed planning rule and substitute it with a series of confusing subsequent rules, culminating in the 2005 Rule which this court found in violation of NEPA, ESA and APA. Therefore, in the broadest context, our 3 March 2005 comments should be viewed as our general disagreement with the assertions and assumptions made by the USFS/USDA regarding 1) the attempt to make Forest Plans "strategic" rather than "prescriptive" in the sense of not requiring measurable standards and guidelines (e.g., road densities in elk and mule deer wintering and breeding range); 2) removing the public from informed involvement and decision-making regarding management of NFS public lands by categorically excluding Forest Plans and eliminating appeal opportunities; and 3) the attempt to remove National Forest Management Act language requiring that viable populations of all native and desired non-native vertebrate species will be maintained on NFS lands.

In contrast, our 2 February 2000 and 31 January 2000 comments should be viewed in the broadest context as indicating our support for a NFS Forest Plan planning rule that 1) includes broad public participation in a full-blown NEPA process and broad public support for implementation of the new proposed rule, including the ability to appeal decisions inconsistent with the spirit and intent of national environmental laws such as NEPA, ESA and the National Forest Management Act; 2) includes all protections for maintaining viable populations of all native and preferred non-native vertebrate species on NFS lands as provided for in the National Forest Management Act; 3) emphasizes sustainability by recognizing that economic and social growth and sustainability is not achievable without ecological sustainability; and 4) is based on rigorous scientific consensus, such as was indicated for the 2000 Proposed Planning Rule by the Committee of Scientists Report to the Secretary of Agriculture.

Furthermore, the NOI states that the draft EIS is expected in June 2007, with a final EIS expected in November 2007. Since comments on this NOI are not due until 11 June 2007, it is not clear how the USFS can meet this schedule, and seems to suggest a willingness not to seriously consider comments submitted for this NOI, as was apparently the case for the series of other planning rules subsequent to the 2000 Planning Rule. We therefore formally request serious consideration and analysis of our attached comments, and look forward to seeing our concerns reflected in alternative development within the draft EIS.

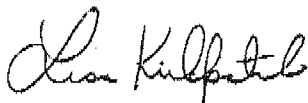
Planning Rule NOI Comments

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June 7, 2007

We appreciate the opportunity to comment on this NOI. Should you have any questions regarding our comments, please contact Mark Watson, Habitat Specialist, of my staff at (505) 476-8115, or <mark.watson@state.nm.us>.

Sincerely,



Lisa Kirkpatrick, Chief
Conservation Services Division

LK/MLW

CC: Wally Murphy (Ecological Services Field Supervisor, USFWS)
Bruce Thompson (Director, NMGF)
Luke Shelby (Assistant Director, NMGF)
Area Habitat Specialists (NMGF)
Mark Watson (Conservation Services Habitat Specialist, NMGF)

Hello,

I live with in 1/2 mile of the Pike-San Isabel National Forest Boundary and with 1 1/2 miles of the Sangre De Christo Wilderness Area.

Our well water comes from the water shed in the National Forest above our home. It is critical any Forest Service regulations have standards or must do provisions to ensure that unregulated OHV use, logging, or oil and gas drilling meet the strictures used in the 1982 EIS protocol. The EIS standards adopted in 2005 are too weak and insufficient. We have populations of lynx, moose, mountain lion, bear, and elk within a 10 mile radius of our home. Please protect this critical wildlife and wildlife habitat with strong and enforceable measures.

Thanks,

Michael
Michael Kunkel
LifeStream Water Systems
417 W. 2nd Street
Salida, CO. 81201
719-530-0522 (w)
719-530-0192 (f)
mkunk@amigo.net

Planningruleno

From: Aaron Bannon [aaron_bannon@nols.edu]
Sent: Thursday, June 07, 2007 3:43 PM
To: Planningruleno
Subject: NOLS Comments on Planning Rule NOI



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_comments.do...

To the Forest Planning NOI Comment Committee:

Thank you for providing us with an opportunity to comment on the proposed Environmental Impact Statement being prepared for the 2005 planning rule. The comments of the National Outdoor Leadership School are attached to this e-mail. Having participated in the Shoshone National Forest's Plan prior to the U.S. District Court's March 30, 2007 order, our school has first-hand experience in working with the new rule. As such, we hope that the insight provided by the comments can help inform some of the potential effects on the public and the National Forests should the rule be re-implemented. Please feel free to contact us if you have any questions or desire clarification of any points. We look forward to your response.

Sincerely,

Aaron Bannon
Wilderness Advocacy Coordinator
National Outdoor Leadership School
(307) 335-2312, aaron_bannon@nols.edu

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Jennifer Lamb, Director
Public Policy Department
National Outdoor Leadership School
284 Lincoln St.
Lander, WY 82520

June 7, 2007

Planning Rule NOI Comments
P.O. Box 162969
Sacramento, CA 95816-2969

VIA FACSIMILE: (916) 456-6724

Dear Planning Rule NOI Comment team:

Thank you for providing the public with an opportunity to comment on the preparation of an Environmental Impact Statement for the 2005 the Forest Service Planning Rule. The National Outdoor Leadership School has been participating in forest planning processes on both the Shoshone and the Bridger-Teton National Forests, each in different stages of implementation. As such, our school is in a unique position to provide what we feel to be valuable insight on both the advantages and disadvantages of the new rule.

Paul Petzoldt founded the National Outdoor Leadership School 42 years ago in Lander, Wyoming, with a vision of teaching outdoor skills, leadership, and wilderness ethics. Today that vision has grown into a school employing more than 800 instructors and staff at nine locations and two professional institutes worldwide, teaching more than 10,000 students a year. NOLS' mission is to be the leading source and teacher of wilderness skills and leadership that serve people and the environment.

From our five U.S. locations, NOLS is a permitted commercial operator on 21 National Parks, 23 National Forests, three National Wildlife Refuges and several Bureau of Land Management areas in nine western states. The core of our education programs includes extended backcountry expeditions of 28 to 93 days in length. Our instructors and students spend significant amounts of time on public land and, in particular, on roadless and Wilderness areas within National Forests. The National Forest System is essential to the successful operation of our school, and we actively engage in forest plan development.

In NOLS' experience with the 2005 rule as it was implemented in Wyoming, there were both positive and negative outcomes that became apparent as planning progressed. On the plus side, efforts by the Forest Service to streamline the planning process and to involve local citizens and officials were welcomed. Additionally, some early concerns about the new rule creating a lack of opportunities for public participation proved to be unfounded, and the abundance of public meetings provided ample opportunities for engagement. On the down side, the diminished role that public comments play within a "Categorical Exclusion" system is less than ideal. The vagueness of an effort to remain purely strategic

in planning was frustrating to many participants. Adding to the frustrations is a clear shift from focusing primarily on ecological sustainability to putting social and economic factors on par with ecological factors. Overall, NOLS feels that many of these concerns stem from the effort to circumvent the preparation of an Environmental Impact Statement as part of the planning process. This letter will address each of these topics in greater detail in the following paragraphs.

Streamlining Efforts

NOLS supports the agency's efforts to streamline the planning process, as forest planning requires significant resources over an extended period of time. The sheer number of National Forests that are behind schedule on developing forest plans demonstrates that point. More efficiency is welcome. NOLS also supports the agency's efforts to encourage decision making at the local level. While National Forests belong to all American citizens and everyone's input is valued, local citizens and decision makers have a high degree of familiarity and expertise within a given area that should not be overlooked.

Public Comments

While the agency had been directed to "use a collaborative and participatory approach to land management planning," (36 CFR Part 219.9) there was nothing in the 2005 rule that bound the agency to consider those comments in the development of the plan. This fact was not lost on participants in the Shoshone National Forest planning process, and the effect was a disenfranchisement of would-be stakeholders. The agency should structure a planning rule in such a way that obligates the Responsible Official to heed public comments and incorporate them, as much as possible, into the plan.

An early concern in the drafting of the planning rule was a shift to a process that would have included less public participation. Our experience on the Shoshone demonstrated that this was not the case. On the contrary, there was an abundance of meetings at each stage of planning. While these meetings had the appearance of encouraging public participation and the frequency of public meetings indicated a desire by the Forest Service to work closely with the public, the effect was not so positive. Due to the fact that there were so many meetings (not all of which included an opportunity for public comment) some attendees began to suffer "meeting burn-out." Additionally, there was some confusion regarding the steps being followed to complete a plan.

Lack of Technical Detail

A level of vagueness, which resulted from adhering to the limitations of a Categorical Exclusion, had the effect of clouding the intent and usefulness of a final planning document. In the Shoshone National Forest process, the lack of technical details due to the strategic nature of the new planning rule was frustrating to both the public and the government cooperators. Across the board, officials and individuals expressed concern at the ambiguity within the plan, at the overall point of the meetings, and at the apparent lack of value associated with their input. The end result was a desire by all parties outside

of the Forest Service to deemphasize their participation in the forest planning process, and focus instead on planning at the project level. This shift would most likely ultimately result in a slowing of project completion, creating additional burden on planning personnel.

Environmental Impact Statement

A great majority of the issues NOLS is concerned with result from an effort to circumvent the writing of an Environmental Impact Statement. Were the Forest Service to include this core aspect of the process as laid out in the National Environmental Policy Act, many issues would no longer be a concern. Conducting an EIS would compel planners to incorporate key technical details, negating concerns of a lack of specifics within the plan. Opportunities for public comments would be obvious and there would be no question regarding the value those comments would carry within the process. An undue burden would no longer be placed on individual projects.

An effort to streamline should not include circumventing the preparation of an EIS. While a shift to a strategic document is clever and commendable, it is impossible to provide strategic direction for projects that will be occurring for the next fifteen years on a forest without having environmental consequences. Even on a strategic planning level, the environmental impacts of a Forest Plan are real and measurable. The Forest Service should consider other options in its efforts to reduce the burden of planning processes.

Shift from Ecological Resources

A shift away from ecological sustainability was apparent in the 2005 rule. Rather than place ecological factors on the same footing with social and economic factors, the Forest Service should have maintained ecological sustainability as a top priority. Social and economic benefits will flow from managing the resource in a sustainable way—NOLS' success is evidence of this.

Sustainable resource management lost ground in several other aspects of the 2005 plan as well. Minimum standards were omitted, which had provided a crucial low bar for species and ecosystem protection. "Species Viability," a key tool in monitoring species health, was replaced by a focus on ecological systems, ecosystem diversity, and species diversity, deemphasizing a previously important focus on wildlife populations. Finally, the statement that "National Forest System lands are generally suitable for a variety of multiple uses," (36—CFR Part 219.12(a)(1)) was disconcerting, and implied a presumption that extractive uses may be on par with habitat preservation and watershed health, which rarely go hand-in-hand.

Conclusion

Overall, it appears that the values of open decision-making, resource protection and public participation were diminished in the planning process under the 2005 rule. While it is true that a more efficient process would be welcomed by many parties, a streamlining

effort should not marginalize public input and ecological sustainability. Ultimately, the completion of an EIS should be preserved as the core of Forest Planning. To circumvent the possibility of a plan having environmental significance is to diminish its meaningfulness. NOLS recommends that the Forest Service search for other ways to improve the process without reinventing the wheel.

Thank you very much for your time and for your effort in improving the planning process. As long-time participants in forest planning, we are pleased to see the agency take steps to improve what can be a time-consuming and resource-draining process. We look forward to your responses to our concerns, and we look forward to the outcome of this process.

Sincerely,

Jennifer Lamb
Public Policy Director
National Outdoor Leadership School

Planningruleno

From: Robert A. Mertz [ramertz@mountain.net]
Sent: Thursday, June 07, 2007 5:34 PM
To: Planningruleno
Subject: Planning Rule NOI Comments

Planning Rule NOI Comments
 PO Box 162969
 Sacramento, CA 95816-2969
 Fax: (916) 456-6724
 planningruleno@fscomments.org

Dear Forest Service:

Please accept these scoping comments for the preparation of the environmental impact statement to analyze and disclose potential environmental consequences associated with the National Forest System land management planning rule.

As a Science teacher with many years experience teaching in the public school systems, And a Master's degree on Biology, I have studied the environmental problems our world faces today. All the major problems are due to two related issues, the growth of our human population, and the wasteful over consumption of our natural resources by the more privileged passengers on "Spaceship Earth". As a member of the lower middle class I feel that I personally have all the material wealth I need. In addition I feel very happy with my wife and the two fine sons we have raised. It is the welfare of my sons, my son's cousins, and all the children that I have had the pleasure to teach that motivates me.

Like a ship at sea our Earth moves through the hostile vastness of space, and like a ship we are all in the same boat. If Earth's life ecological sustaining systems fail we will all perish. On the Titanic the rich as well as the poor died. Today we are taxing the ability of our Earth to support the multitude of persons on board. It is becoming increasingly important that we make wise decisions. Too often we are making decisions based upon the shaky basis of Economics rather than Science. If Economics could place a valid long-term value on the environmental systems and living creatures living on our Earth perhaps this would be valid, but Economics is too short sighted to place realistic values on these things. Today I am writing to you concerning an issue that is well beyond the grasp of today's economics.

The public looks to the National Forest Management Act to ensure that the Forest Service will maintain viable wildlife populations and properly manage our national forests for future generations. The 2005 forest planning regulations undermine wildlife, clean water, and other environmental protections. The regulations reduced requirements for environmental review, weakened wildlife protections, and limited public participation in the development of management plans for individual forests. A critical component of past forest planning regulations is the requirement of mandatory resource protection standards for all forest plans. The EIS needs to analyze the direct and indirect effects of eliminating resource protection standards from forest plans and the impacts of eliminating wildlife viability and monitoring requirements.

In the development of the forest planning EIS, I urge that the Forest Service reconsider the exemption of forest management plans, revisions or amendments from environmental review and meaningful public input under the National Environmental Policy Act (NEPA). Without the NEPA process, the public is not given adequate information to evaluate the environmental consequences of forest plans and disregards the best available science in favor of commercial interests. Eliminating the need for forest managers to assess potentially harmful impacts on water, wildlife, recreational use, old growth and roadless areas, will make it easier for timber, oil, gas, mining and motorized recreation corporations to access national forests. Such a proposal would create a system that benefits the few at the expense of Americans who own our national forests and cherish them as a legacy for future generations. The EIS should fully analyze impacts of exempting forest plans from NEPA and consider alternatives that require full NEPA analysis and public participation.

The Forest Service should also take into account the breadth of new scientific and socio-economic information. The Forest Service should fully analyze other alternatives to the 2005 planning rule that include strong standards to protect forests, waters and wildlife, and evaluate the adoption of some or all of the 1982 and 2000 regulations. Alternatives should also include requirements for the agency to develop plans to address impacts of climate change.

Since this is the first time the public has the opportunity to participate in an EIS process for the new forest planning regulations, the Forest Service needs to modify NEPA deadlines in order to allow time to thoughtfully consider public comments throughout the NEPA process.

Thank you for the opportunity to comment,

Robert A. Mertz
1205 Mulberry Ridge Road
Spencer, WV 25276

Planningrulenoi

From: James Boulden [bootzkid@hotmail.com]
Sent: Thursday, June 07, 2007 1:54 PM
To: Planningrulenoi
Subject: Planning Rule NOI Comments

Planning Rule NOI Comments
PO Box 162969
Sacramento, CA 95816-2969
Fax: (916) 456-6724
planningrulenoi@fscomments.org

Dear United States Forest Service:

Please accept the following scoping comments for the preparation of the environmental impact statement to analyze and disclose potential environmental consequences associated with the National Forest System land management planning rule.

The public puts faith in the National Forest Management Act to ensure that the Forest Service will maintain viable wildlife populations and properly manage our national forests according to our wishes. The 2005 forest planning regulations undermine wildlife, clean water, and other environmental protections. The regulations reduced requirements for environmental review, weakened wildlife protections, and limited public participation in the development of management plans for individual forests. A critical component of past forest planning regulations is the requirement of mandatory resource protection standards for all forest plans. The EIS needs to analyze the direct and indirect effects of eliminating resource protection standards from forest plans and the impacts of eliminating wildlife viability and monitoring requirements.

In the development of the forest planning EIS, I ask that the USFS reconsider the exemption of forest management plans, revisions or amendments from environmental review and meaningful public input under the National Environmental Policy Act (NEPA). Without the NEPA process, the public is not given adequate information to evaluate the environmental consequences of forest plans and disregards the best available science in favor of commercial interests. Eliminating the need for forest managers to assess potentially harmful impacts on water, wildlife, recreational use, old growth and roadless areas, will make it easier for timber, oil, gas, mining and other corporations to access national forests. Such a proposal would create a system that benefits the few at the expense of Americans who own our national forests and cherish them as a legacy for future generations. The EIS should fully analyze impacts of exempting forest plans from NEPA and consider alternatives that require full NEPA analysis and public participation.

The Forest Service should also take into account the breadth of new scientific and socio-economic information. The Forest Service should fully analyze other alternatives to the 2005 planning rule that include strong standards to protect forests, waters and wildlife, and evaluate the adoption of some or all of the 1982 and 2000 regulations. Alternatives should also include requirements for the agency to develop plans to address impacts of climate change.

Since this is the first time the public has the opportunity to participate in an EIS process for the new forest planning regulations, the Forest Service needs to modify NEPA deadlines in order to allow time to thoughtfully consider public comments throughout the NEPA process.

Again, I feel that broad public input should be at the core of all future USFS decisions.

Sincerely,

James Boulden
8008 Cass Oak Road
Ozark, AR 72949

Planningrulenoi

From: Arnold Buchman [aebuchman@hotmail.com]
Sent: Thursday, June 07, 2007 11:52 AM
To: Planningrulenoi
Subject: Planning Rule NOI Comments

Planning Rule NOI Comments
PO Box 162969
Sacramento, CA 95816-2969
Fax: (916) 456-6724
planningrulenoi@fscomments.org

Dear Forest Service:

Over the past 6 years, the reduced regulations for environmental review have undermined the protection of wildlife and virtually excluded public participation in developing management plans for individual forests. Mandatory resource protection standards have fallen by the wayside in the formulation of forest plans adversely affecting meaningful measurement of the impact wildlife viability.

With the elimination of the public from the forest management plan process, "big business" interests are left free to disregard the harm done to water resources, wildlife habitats, passive recreational use, old growth and roadless wilderness areas from commercial activities ranging from petroleum extraction to snow mobile encouragement.

As a result, the public can no longer rely upon the Forest Service acting pursuant to the National Forest Management to ensure that our children and grandchildren will have the benefits and pleasures of properly managed national forests and robust wildlife populations.

Please do not exempt forest management plans, revisions or amendments from environmental review and meaningful public input under the National Environmental Policy Act (NEPA). Please do not exclude the public from access to adequate information to evaluate the environmental consequences of forest plans. Please do not ignore full NEPA analysis and public participation and sound science in favor of commercial interests. Please do not establish a system for the benefit of the favored few at the expense of the legacy that the owners of our national forests - the American people - treasure for their posterity.

Thank you for considering this comment.

Arnold Buchman
27 Shoreline Dr.
Florence, OR 97439

Planningrulenoi

From: ERIC POLCZYNSKI [ericski75@yahoo.com]
Sent: Thursday, June 07, 2007 11:35 AM
To: Planningrulenoi
Subject: Planning Rule NOI Comments

Dear sir/madam, As a resident of Pagosa Springs, Colorado my family and I spend every weekend or day off work in the San Juan national forest surrounding town. We enjoy hiking, fishing, biking, camping and exploring. We must protect the national forests for future generations' low-impact enjoyment. Where will my kids take their kids if the national forests are all full of oil wells and logged? Who wants to go to a place like that? Not us, for one and I suspect we're not alone. We must preserve the national forests as a place with abundant wildlife, clean air and water and lots of open space to get away. There must be strong and enforceable measures in forest plans to be sure that these resources are protected from gas & oil, logging interests and off-highway vehicle overuse. The forest service must analyze stronger planning regulations in the forthcoming EIS, including those from 1982 that require protection of wildlife habitat. The forest service must not reinstate the 2005 regulations in any form as they do not provide the protection necessary for important national forest resources. The forest service must step up to do their duty and protect our national forests. Sincerely, Eric Polczynski

Po Box 3483
Pagosa Springs, CO 81147

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<http://farechase.yahoo.com/>

Planningrulenoi

From: David Lien [dlien2@yahoo.com]
Sent: Thursday, June 07, 2007 6:04 PM
To: Planningrulenoi
Subject: NFMA

David A. Lien
Backcountry Hunters and Anglers
430 E. Cheyenne Mt. Blvd., #21
Colorado Springs, CO 80906
719-650-6526
dlien2@yahoo.com

June 7, 2007

Planning Rule NOI Comments
P. O. Box 162969
Sacramento , CA 95816-2969
Fax: 916 456-6724
planningrulenoi@fscomments.org

Dear Sir/Ma'am:

I am writing to oppose any efforts to eliminate or minimize protections for wildlands and wildlife that have been apart of the National Forest Management Act (NFMA) since the early 1980s.

As an avid hunter, camper, hiker and climber, and a member of the Colorado Backcountry Hunters and Anglers (CBHA), I spend many weekends exploring and experiencing our public lands in Colorado and elsewhere and feel that we need more of a balance between preservation and development. In a nutshell, we need more designated outstanding waters, Wilderness Areas, Roadless Areas, National Parks, Monuments, Conservation Areas, and Wildlife Refuges to let us escape from the noise, pollution, traffic and trappings of civilization that are slowly but surely degrading our way of life.

The National Forest Management Act (NFMA), passed in 1976 in the wake of abusive logging practices, placed limits on clear-cutting and required that soils, water quality, and wildlife habitat be protected. The National Forest Management Act of 1976 also encourages an approach to land management that extends beyond human utility.

As the bill's sponsor, Senator Hubert Humphrey, explained in a U.S. Senate hearing, "The days have ended when the forest may be viewed only as tress and trees viewed only as timber. The soil and water, the grasses and the shrubs, the fish and the wildlife, and the beauty that is the forest must become integral parts of resource managers' thinking and actions." [1]

6/8/2007

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In hearings on the National Forest Management Act in the mid-1970s, Arkansas Senator Dale Bumpers testified, "Unfortunately, the building of permanent roads in many areas has created new problems by encouraging uncontrolled access to remote, lightly patrolled forest areas with an attendant increase in litter, vandalism, fire danger, and an increased encroachment on the solitude which these areas once offered the hunter, the fisherman, the hiker, and the naturalist." [2]

Please ensure that all of the NFMA's wildlands and wildlife protecting requirements are maintained, for the following and many other reasons:

- National forests provide very important resources such as: wildlife habitat (especially for species with large home ranges like lynx and bear), clean water, clean air, historic and pre-historic artifacts, and outstanding recreational opportunities for recreation, education, and scientific research. These resources are at risk from excessive oil and gas drilling, logging, off-highway vehicle use, thus there must be strong and enforceable measures in forest plans to make sure that these resources are protected.

- Ensure that planning regulations contain requirements for forest plans that guarantee protection of resources such as wildlife habitat, viable populations of wildlife, water quality, soils, primitive recreational opportunities, etc. And ensure that the regulations require plans to have standards, or "must do" provisions.

- The Forest Service should analyze stronger planning regulations in the forthcoming EIS, including those from 1982 that required protection of wildlife habitat and tracking of wildlife population and trends. The Forest Service should not reinstate the 2005 Regulations in any form, as they provide no protection whatsoever for important national forest resources.

NFMA was implemented by the Reagan administration to better manage national forests and protect wildlife, and it governs America's nearly 200 million acres of national forest lands, which make up 8 percent of the country. But the Bush administration has suspended some NFMA requirements in order to decrease public and scientific input, gut key wildlife protections, and allow for increased logging. Amanda Griscom, of *Grist* magazine, hit the nail on the head when she said that these are hardly "far-left, eco-liberal kinds of protections if they seemed logical to Reaganites!" [3]

The U.S. is a nation of vast resources and spectacular beauty, but much of it has been or is being developed, logged, mined, and crisscrossed with roads and snowmobile and OHV trails. Consequently, today wildlands and wildlife are disappearing faster than ever. Wise leaders like the great conservationist Teddy Roosevelt recognized the need to set aside parts of the land to be unspoiled for future generations. It's time we started following in his footsteps.

For too long our public lands have been managed for the betterment of the corporate balance sheet and not for the betterment of the American public. Today Americans are demanding that these lands be preserved in their natural state, for the betterment of wilderness, wildlife, and future generations. Please do all that you can to ensure that this happens, and include me on your mailing list for any future public involvement in this process. Thank you.

Sincerely,

David A. Lien

Mbr, Backcountry Hunters and Anglers;

www.backcountryhunters.org

Mbr, Republicans for Environmental Protection;

6/8/2007

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Mbr, Colorado Mountain Club

-
- [1] David G. Havlick. *No Place Distant*. Washington, D.C.: Island Press, 2002, p.153
 - [2] David G. Havlick. *No Place Distant*. Washington, D.C.: Island Press, 2002, p.204
 - [3] Amanda Griscom. "D'oh! Rey: Me?" *Grist* magazine: 4/6/04

Planningruleno

From: STEVE HENSON [shenson1@earthlink.net]
Sent: Thursday, June 07, 2007 12:58 PM
To: Planningruleno
Subject: Planning Rule Comments

June 7, 2007

Planning Rule NOI Comments
PO Box 162969
Sacramento, CA 95816-6724

Dear Comment Reader:

Our organization, the Southern Appalachian Multiple-Use Council, has participated in US Forest Service forest planning process for over 30 years on 10 national forests in our region. During this time we have been continually frustrated with the long and cumbersome process to develop 10-15 year plans for these national forests. We wholeheartedly supported the 2005 National Forests System Land Management Planning Rule (2005 Rule) that would have expedited, without compromising public input, the planning process and allow the US Forest Service to attend to the management needs of these important federal lands.

It is unconscionable that a federal judge has ruled this vast improvement, as currently written, cannot be implemented on our national forests.

We urge you to move as quickly as possible to complete the EIS on the 2005 Rule for the following reasons:

- It would improve the public input process by engaging the public early and often in the issues raised during the planning process.
- It focuses environmental analysis at the project level where it belongs rather than spending so much time evaluating planning scenarios that propose no specific, on-the-ground actions.
- Will be more focused on state-of-the-art scientific information and changing environmental conditions.
- Will save millions of dollars in wasteful spending and allow more dollars to be spent on projects meeting the objectives of the plans.

We also urge you to analyze only the proposed rule and the "no action" alternative. It is also imperative that a cost analysis of applying the 2005 Rule vs. dropping it or significantly changing the Rule be disclosed to the public.

Thank you for the opportunity to comment on this important planning rule.

Sincerely,

Steve Henson

6/8/2007

PLR74

Steve Henson
Southern Appalachian Multiple-Use Council
PO Box 1377
Clyde, NC 28721
828-627-3333
828-627-3333 fax
shenson1@earthlink.net

Planningruleno

From: Dave Startzell [dstartzell@appalachiantrail.org]
Sent: Thursday, June 07, 2007 11:45 AM
To: Planningruleno
Cc: Bob Proudman; Morgan Sommerville; Laura Belleville; J.T. Horn; Pam Underhill; Don Owen - NPS; Marianne Skeen
Subject: Notice of Intent to Prepare EIS (related to the forest planning rule)

Dear USDA Forest Service:

I am writing in behalf of the Appalachian Trail Conservancy (ATC) to comment on the May 11, 2007, Federal Register notice (72 FR 26775) regarding a proposed Environmental Impact Statement (EIS) to analyze and disclose potential environmental consequences associated with the National Forest System land-management planning rule.

ATC is a private, nonprofit, educational organization established in 1925 to promote and coordinate citizen as well as public-agency efforts to design, construct, and maintain the Appalachian Trail (A.T.)—a long-distance footpath extending 2,175 miles from Maine to Georgia—and to manage associated lands and resources.

The Appalachian Trail was designated by the Congress as one of the nation's first national scenic trails with passage of the National Trails System Act in 1968. A variety of cooperative agreements and memoranda of understanding among the departments of the Interior and Agriculture, the National Park Service, the USDA Forest Service, and the Appalachian Trail Conservancy have served to formalize the longstanding cooperative relationships among those parties toward the administration and management of the Appalachian National Scenic Trail.

Approximately 950 miles, or 43 percent, of the Trail is on national forest system lands. ATC staff members and volunteers work closely with the national forest staff in the eight national forests from Maine to Georgia that host sections of the Trail, and have fully participated in forest planning since its inception following adoption of the 1982 planning rule authorized by the National Forest Management Act in 1976. Those relationships are valued, as is the fact that the Trail has been recognized as a special management area or, later, prescription area, on those forests. Based on those shared interests and investments, ATC and our 40,000 members—as well as 15 of our 30 affiliated Trail-maintaining clubs, volunteers from which each year contribute more than 65,000 hours in service in the affected national forests along the Trail—have a strong interest as stakeholders who will be directly impacted by yet another amendment to the Forest Service's planning rule.

As a proud partner of the USDA Forest Service and recipient of a 2005 Centennial Award for volunteer leadership, ATC recognizes the need to replace an overly burdensome forest-planning process with more efficient planning methods. We understand the difficulties facing the agency in light of competing interests and ongoing litigation, and, in general, we support the agency's desire to develop a planning rule that can once again make for effective planning at the forest and rangeland level. Indeed, we have submitted comments related to the forest-planning on three separate occasions since February 2000. In the following comments, we will once again summarize our primary interests.

Applicable Law: The National Trails System Act (P.L. 90-543, as amended) should be specifically listed in the directives as applicable law. In addition to those forests crossed by the Appalachian National Scenic Trail, this law affects forests in other USFS regions where portions of a number of other national scenic trails (e.g. Pacific Crest, Continental Divide, Florida, and North Country) are either administered by the Forest Service or are located on forest system lands.

Standards vs. Guidelines: ATC has consistently held the position that management-area and prescription-area standards affecting the Appalachian Trail (as well as other forest resources) are fundamental to and essential for

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the long-term conservation and management of national forest resources in general and the Appalachian Trail and the Trail experience specifically. Since the mid-1970s, ATC staff, volunteers, and partner groups have worked very hard to negotiate a consistent set of standards for management of the Appalachian National Scenic Trail. In 1983, the Forest Service adopted Manual Supplements for management of the Appalachian National Scenic Trail in Regions 8 and 9. Those documents were used to provide each of the affected forests with common management direction related to the Appalachian National Scenic Trail on all national forest lands during the planning processes for each of the eight national forests crossed by the Appalachian Trail. In 1984, the USDA Forest Service also adopted uniform "Standards & Guides" for the A.T. across the six national forests situated in Region 8. Those Standards and Guides, which were updated in 1993, became the basis for each national forest's prescriptions for management of the A.T., thus ensuring consistent, high-quality protection and management of the Trail across each forest and district. The two national forests in Region 9 followed similar prescriptions when developing standards for management of the Appalachian National Scenic Trail as part of the planning processes for the national forests in that region. We believe that the elimination of standards in future forest plans will result in varying interpretations of law, regulation, and policy, yielding inconsistent and disparate approaches at the forest level to management of a nationally significant resource. While guidelines provide general direction, they allow for wide variation in interpretation and risk the loss of protection of resources central to the Trail experience. In sum, USDA Forest Service staff in all eight national forests responsible for managing the Trail need standards as well as guidelines to ensure consistent administrative treatment of the Trail's recreational, natural, and cultural resources.

NEPA Requirements: We encourage the Forest Service to embrace NEPA and use it to engage forest stakeholders in forest planning, rather than continuing to resist the requirements of this landmark statute by categorically excluding Forest Plans. We have consistently stated this position in our comments over the past four years. For example, in 2003, we said: "Decisions affecting land allocations and desired resource conditions can result in very significant environmental consequences because they define the context in which more detailed or site-specific actions will take place. Moreover, the desire to limit the application of NEPA compliance solely to site-specific actions ignores the potential for significant cumulative impacts at a district or Forest level of many smaller, incremental actions. Finally, because the NEPA process has been in place for many years, many Forest stakeholders have become quite comfortable with influencing decisions through that process. By eliminating that avenue for public participation, the proposed [eventually adopted 2005] rule change could have the effect of reducing meaningful public input."

Public Input: As in our above-referenced comments related NEPA, we feel the Forest Service has—in the Eastern National Forests (Regions 8 & 9)—succeeded in true engagement with its stakeholders. In this respect, we reiterate earlier comments to the effect that further reducing opportunities for public input by limiting appeals related to forest plans, forest plan revisions, and forest plan amendments to issues involving inconsistencies of law or policy, and then only to those stakeholders who have participated previously in the forest-plan process, is only going to stimulate additional controversy and litigation. The 30-day comment period for the pre-decisional objection process that is described in the 2005 rule is wholly inadequate. We believe a minimum 90-day review period should be provided for such objections and that the Forest Service—despite the difficulties associated with such an approach—should welcome public involvement in its forest planning.

Again, we appreciate the opportunity to comment on this important issue.

Sincerely,

David N. Startzell

David N. Startzell
Executive Director
Appalachian Trail Conservancy
www.appalachiantrail.org
P.O. Box 807 (799 Washington Street)
Harpers Ferry, WV 25425
Ph: (304) 535-6331, ext. 116

6/8/2007

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Fax: (304) 535-2667
Cell: (304) 283-4221

The Appalachian Trail Conservancy is a volunteer-based nonprofit organization dedicated to the conservation of the 2,175-mile Appalachian National Scenic Trail, a 250,000-acre greenway extending from Maine to Georgia. Our mission is to ensure that future generations will enjoy the clean air and water, scenic vistas, wildlife and opportunities for recreation and renewal along the entire Trail corridor. To become a member, call 304.535.6331, ext. 119, or visit our Web site at www.appalachiantrail.org. There, you will also find volunteer opportunities and general hiking information.

Planningruleno

From: Rocky [rocky@coloradowild.org]
Sent: Monday, June 11, 2007 7:05 AM
To: Planningruleno
Subject: Planning Rule EIS scoping comments

Attachments: Regs EIS scope com 6-07.doc



Regs EIS scope com
6-07.doc (2...

To whom it may concern:

Attached in Word are comments from Colorado Wild et al on scoping for the forthcoming EIS on Forest Service Planning Regulations. Please acknowledge receipt of these comments, and that you can open and read the file by replying to this e-mail.

Thanks,
Rocky Smith
Colorado Wild
303 839-5900



Planning Rule NOI Comments
 P.O. Box 162969
 Sacramento, CA 95816-2969
planningrulenoifsccomments.gov

June 9, 2007

Dear Forest Service,

The following are the comments of Colorado Wild, Wilderness Workshop, Sinapu, Backcountry Snowsports Alliance, Southern Rockies Ecosystem Project, Biodiversity Conservation Alliance, Center For Native Ecosystems, Upper Arkansas and South Platte Project, Great Old Broads For Wilderness, San Juan Citizens Alliance, American Lands Alliance, Forest Guardians, Colorado Mountain Club, and Rocky Mountain Recreation Initiative on scoping for an environmental impact statement (EIS) concerning planning regulations, as described in the Notice of Intent (NOI) at 72 Fed. Reg. 26775 et seq., May 11, 2007. The EIS is being prepared in partial response to the decision in Citizens For Better Forestry et al v. USDA and Defenders of Wildlife et al v. USDA, cases C 05-1144 PJH and C 04-4512 PJH, Ninth Circuit, March 30, 2007 (hereafter “Court decision”). Id.

I. THE 2005 REGULATIONS FAIL TO PROTECT IMPORTANT RESOURCES FOUND ON NATIONAL FOREST SYSTEM LANDS AND MUST NOT BE REINSTATED. The national forest system contains resources that provide incalculably high benefits to the American people, as well as visitors from other countries, most of which cannot be provided on land in non-federal ownership. These include: habitat for wide ranging wildlife species such as lynx and grizzly bear, sources of clean water, sources of clean air, outdoor laboratories for conducting scientific research, opportunities for natural resource education, priceless historic and pre-historic resources, and opportunities for unconfined recreation and solitude. In the face of increasing, and an increasingly-consumptive, population, the lands providing these precious resources need to be protected.

The national forests also provide commodity type resources such as wood fiber, range forage for livestock, and minerals. However, these resources can, to a considerable degree, be provided from other lands. For example, the national forests provide only about 4 percent of the nation’s wood supply. It is exceedingly important that the Forest Service emphasize protection of resources that are unique to its lands and/or cannot be provided from other sources.

We are thus very disappointed to see the Forest Service’s apparent intent to re-approve the 2005 Planning Regulations.¹ These regulations are very weak in that they not only do not encourage,

¹ Though the NOI does not quite say this and there is no proposed action yet, it is impossible to read the NOI and come to a different conclusion about the Forest Service’s intent.

but do not allow, national forest administrative units to formulate strong provisions at the forest plan level to ensure protection of important national forest and grassland resources. With no standards (i. e., “must follow” requirements) and no management prescriptions, forest plans prepared under the 2005 Regulations provide local land managers with minimal if any ability to ensure consistent, strong protection for various resources across an entire unit, as they have no enforceable provisions. In other words, the public can have no confidence that strong protections will be applied when everything in a plan completed under the 2005 Regulations is either aspirational (desired conditions, objectives, suitability determinations) or discretionary (guidelines and special areas). See 36 CFR 219.7(a) (2005).

The weakness of the 2005 Regulations was vividly demonstrated in the proposed revised plan for the Comanche-Cimarron Grasslands that was distributed for objections earlier this year, a few months before the Court decision invalidated the 2005 Planning Regulations. That Plan found almost all of the Grasslands’ acreage suitable for activities with potentially significant impacts such as oil and gas production, off-highway vehicle use, and livestock grazing. With only a few weak guidelines, the Plan provided almost no protection for: historical and paleontological resources, unique botany, soils, and rare and declining wildlife species.

While some decisions can be made at the project level to help provide protection for resources, that is woefully insufficient for activities like off-highway vehicle use, which is rampant on the Grasslands, or for protecting rare and declining species like lesser prairie chicken, which inhabits the Grasslands. It is impossible to protect unfragmented wildlife habitat on a project-by-project basis. With nothing in a forest or grasslands plan being mandatory, there is simply no mechanism for assuring the consistent protection of important resources.

The Draft Forest Plan for the Grand Mesa Uncompahgre and Gunnison National Forests (GMUG) displayed similar deficiencies due to the 2005 Planning Regulations. The lack of meaningful standards could easily result in circumstances where local forest managers would be unable to deny any proposed resource use. The plan indicated that large areas of the forest would be suitable for commercial timber harvest and equally large and often inappropriate areas were deemed suitable for timber harvest intended to be used for other management purposes. Piecemeal project level proposals and analyses would be completely inadequate to provide the landscape level planning, analysis, and protection required to adequately protect forest ecosystems and all of the resources they produce.

In short, there is no substitute for strong forest-wide standards and/or other requirements to ensure consistent protection of important resources.

The Forest Service must not reinstate the 2005 Regulations. The fact that other planning regulations might be a bit tedious or costly to implement is no excuse for not ensuring protection of very important resources.

II. THE NOTICE OF INTENT FORTHCOMING FOR THE EIS INDICATES PREDECISIONAL BIAS. The NOI states:

The responsible official will promulgate a land management planning rule based on an alternative that meets the agency's purpose and need.

72 Fed. Reg. 26776.

However, the agency appears to have already decided that the 2005 Regulations are superior, and may be the only set, or at least type, of regulations that need be considered. See "Purpose and Need" section of the NOI, id. Instead of saying that the EIS will objectively evaluate the possible impacts from applying a full, reasonable range of planning regulations, the purpose and need here reads solely as a justification for why the agency believes the 2005 Regulations are better than those issued in 2000. The purpose and need is so narrowly tailored, it is hard to imagine that the Forest Service could ever choose anything other than the 2005 Rule. This simply does not constitute the "hard look" required by NEPA and relevant case law.

Also disturbing are the "estimated dates" for the EIS: June 2007 for the draft EIS and November, 2007 for the final EIS. NOI, id. Meeting the June date would clearly be impossible, as the comment period runs through June 11, which would give the agency 19 days to produce a draft EIS (DEIS). However, the EIS is still on a super-fast track, as some of the DEIS has already been written, and the agency now believes it can publish it as early as the end of July. Dave Sire, Washington Office, personal communication with Rocky Smith, May 17, 2007. It is not reasonable to expect that a comprehensive analysis of a full range of reasonable alternatives for management of the entire national forest system can be completed in less than two months. The speedy timeframe must be lengthened to allow appropriate consideration of alternatives, comprehensive analysis, and appropriate amounts of time for public review and comment.

III. THE FOREST SERVICE MUST CONSIDER REGULATIONS WITH A RANGE OF MANAGEMENT INTENSITY AND RESOURCE PROTECTION IN THE EIS. Under the National Environmental Policy Act, agencies must formulate alternatives to a proposed action. 43 U.S.C. 4332. The Council on Environmental Quality's implementing regulations for NEPA require that agencies "rigorously explore and objectively evaluate all reasonable alternatives". 40 CFR 1502.14(a).

If the purpose of the EIS is to disclose the effects of the 2005 Planning Regulations on the environment², found by the court to be lacking, then alternatives would have to include other Planning Regulations. The 2005 Regulations should be considered to be one extreme – i.e., perhaps being the easiest to implement but providing the least possible protection for resources.

²As noted above in section II, the "Purpose and Need" section of the NOI does not state this, but reads like a justification for why the Forest Service believes the 2005 Regulations are better than those from 2000.

The 2000 Regulations should also be considered an alternative. In spite of the rather rigorous, and often commendable, analytical requirements for ecological and other resources, these regulations also provided little protection because there were few enforceable requirements.

The 1982 Regulations should also be an alternative. They are intermediate in resource protection, with some requirements, such as tracking populations and trends of management indicator species (MIS) (see 36 CFR 219.19 (1982)), and other substantive management requirements (see, e. g., 36 CFR 219.27 (1982)).

Finally, other regulations, which to the best of our knowledge have not previously been formulated, that would provide maximum protection for ecological and other non-commodity resources, must be considered. Such regulations might have at least some of the analytical requirements of the 2000 Regulations for assessing ecological conditions, along with enforceable requirements for protection and monitoring.

The EIS for planning regulations must consider at least one alternative that requires more complete NEPA documentation to be prepared for forest plans. Any regulations approved must include this requirement. See section IV below for a more detailed discussion.

At least one set of regulations considered in the EIS must also apply to projects implemented under land and resource management plans. The 2005 Regulations were said not to apply to projects. See 36 CFR 219.2(c) (2005). Thus forest and grassland plans would provide no enforceable protection, as discussed above in section I. If provisions needed to protect resources are not in the plans, they would need to be in the regulations.

IV. NEPA DOCUMENTATION MUST BE DONE FOR FOREST PLANS. We believe NEPA requires that an environmental impact statement or environmental assessment be prepared for forest plans.

A. FOREST PLANS MAKE DETERMINATIONS THAT AFFECT RESOURCES ON THE GROUND. Under the National Forest Management Act, plans must

(1) provide for multiple use and sustained yield of the products and services obtained [from national forests] in accordance with the Multiple-use, Sustained Yield Act of 1960, and in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness; and

(2) determine forest management systems, harvesting levels, and procedures...and the availability of lands and their suitability for resource management.

16 USC 1604(e).

Many decisions made in forest plans determine, to a considerable degree, what type of management can later take place, since emphasizing a certain type of management on a given area of national forest land reduces the likelihood of other types of activities prevailing on that same land. For example, land designated in a plan for timber production would likely not be managed to maintain or improve wildlife habitat. Decisions made in a forest plan to emphasize a certain type of management on a given piece of land are seldom changed at the project level. Any such change would require a forest plan amendment.

Implementing any forest plan over its 15-year life³ is likely to involve the implementation of many projects, such as timber sales, fuels reduction projects, livestock grazing, travel management, watershed restoration, etc. None of these projects would occur if not first authorized by a forest plan. In other words, forest plans authorize broad programs which potentially consist of a quite large number of individual projects.

In sum, forest plans determine what types of projects *can* occur and *where* they can occur, even if they do not determine exactly which projects *will* occur or *when*. Since all projects, permits, contracts, etc. must be consistent with the forest plan (16 USC 1604(i)), it is clear that plans are important in determining what activities can occur.

B. NEPA'S IMPLEMENTING REGULATIONS REQUIRE DOCUMENTATION FOR ACTIONS SUCH AS FOREST PLANS. There is a solid indication of the need for environmental documentation of forest plans in the Council on Environmental Quality (CEQ) regulations implementing NEPA:

Environmental impact statements may be prepared, and are sometimes required, for broad Federal actions such as adoption of new agency programs or regulations (1508.18). Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking.

40 CFR 1502.4(b). Under section 1508.18 referenced above,

(a) Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures....

(b) Federal actions tend to fall within one of the following categories: ...

³ Under the National Forest Management Act, forest plans are to be revised "from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every 15 years". 16 USC 1604(f)(5). Three plans for Colorado national forests, Pike San Isabel, Grand Mesa-Uncompahgre-Gunnison and San Juan, are currently over 20 years old.

(2) Adoption of formal plans, such as official documents or prepared or approved by federal agencies which guide or prescribe alternative uses of federal resources, upon which future agency actions will be based.

(3) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency actions allocating agency resources to implement a specific statutory program or executive directive. ...

36 CFR 1508.18; emphasis added.

Clearly, forest plans fall under paragraphs (2) and (3).

C. EXTRAORDINARY CIRCUMSTANCES ARE PRESENT AND WOULD LIKELY BE AFFECTED BY DETERMINATIONS MADE IN FOREST PLANS. Given the potentially large number of projects affecting a wide range of resources over a large area contemplated in a forest plan, the extraordinary circumstances identified by the Forest Service would likely always be present and likely be affected by determinations made in a forest plan.

The agency's Environmental Policy and Procedures Handbook states the following:

2. Resource conditions that should be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS are:
 - a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.
 - b. Flood plains, wetlands, or municipal watersheds.
 - c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.
 - d. Inventoried roadless areas.
 - e. Research natural areas.
 - f. American Indians and Alaska Native religious or cultural sites.
 - g. Archaeological sites, or historic properties or areas.

The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.

FSH 1909.15 Ch 30.3. It is impossible to imagine that these resources on any national forest or grassland unit would not be affected by determinations made in the respective plan. Indeed, forest plans often specifically address these resources.

D. CUMULATIVE IMPACTS WOULD NEVER BE DISCLOSED IF NEPA DOCUMENTATION IS NOT PREPARED WITH FOREST PLANS. We strongly emphasize that if comprehensive NEPA documentation is not prepared with plans, then cumulative impacts will never be disclosed as required by NEPA. Disclosing impacts only at the project level would not address possible impacts to resources like wildlife habitat and its effectiveness for threatened, endangered, and sensitive wildlife and plant species. This is especially the case for species with large home ranges like lynx and bear. A program of logging authorized by a forest plan can significantly and adversely alter habitat for wildlife species requiring late-successional habitat. Impacts to resources such as water quality can easily extend to areas outside those covered by an individual project.

The time frame covered by an individual project is typically much shorter than the 15 year life of a forest plan. Documentation for individual projects cannot anticipate, nor disclose the possible impacts from, possible projects outside the area covered by the project at hand.

Actions by other Federal agencies (Bureau of Land Management, National Park Service, state agencies, etc.), local governments, and private developments can interact with Forest Service projects to increase the extent, severity, and duration of environmental impacts resulting from implementation of projects under forest plans.

Also, a wide variety of projects, some of them covering considerable acreage, are approved with a categorical exclusion from documentation in either an EA or EIS (see FSH 1909.15, section 31.2). Thus there is currently no disclosure of impacts for a number of projects that implement land management plans.

In sum, disclosure of impacts at the project level only is insufficient to disclose the impacts, especially the cumulative ones, of implementing a forest plan over its 15-year life.

E. ALTERNATIVES DEVELOPED FOR A FOREST PLAN NEPA DOCUMENT AID THE PUBLIC'S UNDERSTANDING OF IMPACTS ON NATIONAL FOREST MANAGEMENT. Preparing an EA or EIS on various alternatives for management of a national forest or grassland unit and disclosing the possible impacts of implementing said alternatives helps the public understand the impacts of each management scheme, and provides an opportunity, at the draft EA or EIS stage, for comment. The 2005 Regulations, in not requiring more complete NEPA documentation for forest plans, provide no opportunity for comments on an analysis of possible impacts of implementing a forest plan

V. THE EIS MUST EXAMINE THE POSSIBLE IMPACTS OF THE 2005 PLANNING REGULATIONS AND OTHER POSSIBLE PLANNING REGULATIONS ON NATIONAL FOREST RESOURCES. As noted above in section I, national forests and grasslands possess

unique resources that provide an inestimably high level of benefits to the American people. Any set of planning regulations will determine to a considerable degree how, or even if, these resources are protected.

If the 2005 Regulations or a similar set of regulations is the proposed action, it will be especially important to disclose impacts in the EIS for the proposed regulations, as those regulations do not require preparation of an EIS (or even an EA) for each plan revision, as discussed above. That means that possible impacts of implementing forest plans would never be analyzed or disclosed.

The most important type of impacts to analyze at the programmatic level are those that significantly affect sizable areas and/or important resources of a national forest or grassland unit. First and foremost, that would include impacts to wide-ranging wildlife species. These include, but are not limited to: lynx, wolverine, grizzly bear, black bear, goshawk, lesser prairie chicken, and native fish species (such as cutthroat trout). The impact on these species of having regulations that require no protective standards in land management plans must be analyzed. The analysis needs to include the effects on connecting corridors and migration routes.

Cumulative impacts of management for activities such as: logging; road construction, reconstruction, and use; and mineral exploration and production on resources such as soils, water quantity, water quality, and introduction and spread of noxious weeds must be disclosed. These activities can affect water quality and quantity well beyond a project area. Similarly, soil productivity and stability can be affected. Invasive species, already a persistent, widespread, and growing problem on national forest lands, are often introduced and spread by ground-disturbing activities. Thus impacts of regulations which do not require any protective measures for these resources must be disclosed.

Forest Plans often make decisions concerning travel management. One day's worth of travel by a motor vehicle will usually cover more area than that within the analysis area for a proposed project. Therefore, the EIS must analyze impacts of various levels of regulatory protection on resources, such as soils, water quality, and wildlife habitat effectiveness, affected by travel and other similar forest uses.

VI. THE FOREST SERVICE MUST ADDRESS EFFECTS OF APPLYING PLANNING REGULATIONS ON WILDLIFE, ESPECIALLY THREATENED AND ENDANGERED SPECIES. To promulgate regulations, the Court decision held, among other things, that consultation with the appropriate agencies under section 7 of the Endangered Species Act (ESA) is required. See Court decision at 44-55. However, we see no reference to this in the purpose and need for the EIS nor anywhere in the NOI.

We also note that Region 2 has, for several years now, been in the process of preparing a "lynx amendment" to forest plans. In other words, the agency is considering a set of requirements for forest plans that would ensure protection of habitat for lynx, a threatened species under the ESA.

This would presumably address one of the reasons the lynx was listed under the ESA – lack of regulatory mechanisms for protection of the species. The listing rule for lynx states:

Current U.S. Forest Service Land and Resource Management Plans include programs, practices, and activities within the authority and jurisdiction of Federal land management agencies that may threaten lynx or lynx habitat. The lack of protection for lynx in these Plans render them inadequate to protect the species.

65 Fed. Reg. 16052, March 24, 2000.

The listing notice also stated:

We conclude the single factor threatening the contiguous U.S. [distinct population segment] of lynx is the inadequacy of existing regulatory mechanisms, specifically the lack of guidance for conservation of lynx in National Forest Land and Resource Plans and BLM Land Use Plans as described [elsewhere in the listing notice].

Id. at 16082. More specifically, the listing notice concluded that:

the lack of Plan guidance for conservation of lynx, as evidenced by the fact that Plans allow or direct actions that cumulatively adversely affect lynx...is a significant threat to the contiguous U.S. [distinct population segment] of lynx.

Id.

In this light, the Forest Service and the Fish and Wildlife Service entered into the Canada Lynx Conservation Agreement on February 7, 2000. This Agreement:

identifies actions the signatories agree to take to reduce or eliminate adverse effects or risks to the species and its habitat, and to maintain the ecosystems on which this species depends.

Agreement at 2. Also,

The [Forest Service] agrees that Forest Plans should include measures necessary to conserve lynx for all administrative units identified as having lynx habitat. Any necessary changes in these plans will be made through amendments and/or revisions in accordance with the National Forest Management Act (NFMA) including National Environmental Policy Act (NEPA) disclosure and public participation.

Agreement at 5.

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Therefore, the Forest Service needs to amend plans for those units containing lynx habitat by adding protective measures in order to adequately protect the species. But under the weak 2005 Regulations, forest plans cannot contain “standards”, which are “must do” or “must not do” statements, nor any other action-forcing requirements.⁴ Thus if anything, plans prepared or revised under the 2005 Regulations could allow even more activities that could harm lynx and threaten its continued existence in the United States.

So how would lynx be protected in forest plans if there can be no mandatory requirements therein? Having protective measures for lynx as guidelines, which are totally discretionary, is not acceptable. There would be no assurance that such measures would be applied, as such application would be solely at the discretion of the responsible official.

This problem will likely apply, if it doesn't already, to other listed species and those which are being, or will be, considered for listing under ESA. It can be remedied by having regulations that require forest plans to have standards, or must-do provisions.

The EIS must analyze the impacts of abolishing, as the 2005 Regulations did, the former planning regulation's requirements for maintaining viability of all native and desired non-native vertebrate populations, and for monitoring the populations and trends of species selected as management indicator species. See 36 CFR 219.19 (1982). These provisions helped protect threatened and endangered species by protecting habitat for other species. They also reduced the likelihood of additional species needing to be listed ESA.

VII. THE FOREST SERVICE MUST ALLOW ADDITIONAL COMMENTS ON PROPOSED PLANNING REGULATIONS. Another part of the Court decision stated that the 2005 Regulations are arbitrary and capricious because they contain provisions that could not have been reasonably expected based on the 2002 draft regulations. Decision at 18-23. Therefore, the Forest Service must allow comment on any rule proposed, even if the 2005 Rule is not changed and is proposed as the new rule. Also, the final rule must be one that is a logical outgrowth of the draft rule.

Since the EIS will, or at last should, examine the environmental effects of applying regulations, it would also be a good place to solicit public comment on any proposed set of regulations. In particular, comment on the following must be sought:

- the process for identification of lands suitable for timber production;
- limitations on clearcutting and other types of logging;

⁴ Under the 2005 Regulations, forest plans are to contain five components. Desired conditions, objectives, and guidelines “are not commitments or final decisions approving projects or activities”. Determinations on suitability are also not final decisions. The only decision that can be made in a plan is designation of special areas. See 36 CFR 219.7(a) (2005).

--NFMA-required standards for protection of resources to avoid permanent impairment of the productivity of the land and to protect diversity of plant and animal communities; and

--requiring each national forest unit to have an environmental management system (EMS).

Any new proposed planning regulations must fully meet the requirements for such regulations detailed in section 6(g) of the National Forest Management Act (16 U.S.C. 1604(g)). The 2005 Regulations failed to do so, as many of these requirements were absent from the Regulations and instead inserted into the Forest Service Directives System, where they can be changed without any public input, unlike regulations, which must be promulgated with such input under the Administrative Procedures Act (5 U. S. C. 551 et seq.). Thus the 2005 Regulations are illegal and cannot be re-approved.

The NOI states that the Forest Service intends to publish a new rule for comment in June of this year. 72 Fed Reg 26776. Even if the time is moved to late July, as indicated by the personal communication with a Washington Office staffer described in section II above, this would not allow sufficient time for the agency to consider various sets of regulations and their possible impacts, and then formulate a new set of regulations for public comment.

CONCLUSION. The Forest Service must consider the possible effects of implementing various sets of possible planning regulations representing the full spectrum of management intensity and resource protection. The 2005 Regulations should be considered an alternative representing the extreme of minimal management and lack of resource protection. These regulations must not be re-adopted. Instead, any proposed planning regulations must require forest plans to have standards and management prescriptions. Planning regulations must require plans to protect unique and important national forest resources, including, but not limited to, threatened and endangered species. Forest plans must have strong, enforceable requirements for protecting those forest resources, and comprehensive NEPA documentation must be required for all forest plans.

Sincerely,

Rocky Smith, ForestWatch Campaign Coordinator
Colorado Wild
1030 Pearl #9
Denver, CO 80203
303 839-5900
rocky@coloradowild.org

Dan Morse, Public Lands Director

High Country Citizens' Alliance
PO Box 1066
Crested Butte, CO 81224
970-349-7104
dan@hccaonline.org

Sloan Shoemaker, Executive Director
Wilderness Workshop
PO Box 1442
Carbondale, CO 81623
970-963-3977
sloan@wildernessworkshop.org

Rob Edward, Director, Carnivore Restoration Program
Sinapu
1911 11th Street, Suite 103
Boulder, CO 80302
rob@sinapu.org
303.447.8655 ext. 2#

Brian Holcombe, Executive Director
Backcountry Snowsports Alliance
P.O. Box 989
Fort Collins, CO 80522-0989
303-494-5266 (office + cell)
brian@backcountryalliance.org

Michelle Zimmerman, Executive Director
Southern Rockies Ecosystem Project
1536 Wynkoop Street Suite 200
Denver, Colorado 80202
desk: 303.454.3341
michelle@restoretherockies.org

Erik Molvar, Executive Director
Biodiversity Conservation Alliance (formerly Biodiversity Associates)
P.O. Box 1512
Laramie, WY 82073
(307) 742-7978
erik@voiceforthewild.org

Josh Pollock, Conservation Director
Center for Native Ecosystems
1536 Wynkoop Street, Suite 303
Denver, CO 80202
(303) 546-0214

josh@nativeecosystems.org

Michael Rogers, *President and Executive Director*
Upper Arkansas South Platte Project
1420 Pinewood Rd
Florissant, CO 80816
719-328-9234
Wilderness_Heart@yahoo.com

Veronica Egan, Executive Director
Great Old Broads for Wilderness
PO Box 2924
Durango, CO 81302
970-385-9577
ronni@greatoldbroads.org

Amber Clark, Dolores River Campaign Coordinator
San Juan Citizens Alliance
970.259.3583 x211
PO Box 2461
Durango, CO 81302
amber@sanjuancitizens.org

Caitlin Love Hills, National Forest Program Director
American Lands Alliance
726 7th Street, SE
Washington, DC 20003
202-547-9105
caitlin@americanlands.org

Bryan Bird, Public Lands Director
Forest Guardians
312 Montezuma
Santa Fe, NM 87501
505.988.9126 x 157
bbird@fguardians.org

Leeona Klippstein, Executive Director
Spirit of the Sage Council
30 North Raymond Ave., Suite 303
Pasadena, CA 91103
(626) 676-4116
leeona@sagecouncil.com

Clare Bastable, Conservation Director
Colorado Mountain Club

Colorado Mountain Club
PO Box 1348
Carbondale, CO 81623
(970) 618-1341
bastac@cmc.org

Roz McClellan, Executive Director
Rocky Mountain Recreation Initiative
1567 Twin Sisters Rd.
Nederland, CO 80466
303 447-9409
mcclelr@colorado.edu

Frances Lamberts, 113 Ridge Lane, Jonesborough, TN 37659

June 8, 2007

Planning Rule NOI Comments
P.O. Box 162969
Sacramento, CA 95816-2969

Re: NOI on Environmental Impact Statement, Federal Register May 11, 2007

Dear Forest Service Planners:

Please accept my comments concerning your (renewed) preparation of a management Rule for national forest lands. In April 2003, I contacted you in regards to the Rule then being proposed, stating my concerns about a number of features; the Rule was implemented in 2005.

The circumstance of a recent judicial ruling, I note, has prompted the USFS to seek stronger compliance with applicable laws, especially the National Environmental Policy Act, in developing the regulations for management of the public forest lands. I urge the Service to fulfill this obligation within the spirit of NEPA, that is, through an EIS that comprehensively assesses the impacts of different management options and decisions on the resources of the forests and the functions they serve for our communities, and for the welfare of future generations of Americans.

A appreciate, therefore, the new opportunity to provide comment.

Nothing seems more apt in regards to the task before you than what President Theodore Roosevelt said, in 1904: "It is the plain duty of those of us who for the moment are responsible to make inventory of the natural resources which have been handed down to us, to forecast as well as we may the needs of the future, and so to handle the great sources of our prosperity as not to destroy ... the prosperity of our descendents."

1. The EIS should provide that "inventory" for the national forests--of the biological species that inhabit them in their various habitats, of roadless, wilderness and old-growth areas, of species with special management needs and already-ESA-listed species, of rivers and water supply (which latter Roosevelt asserted to be the "forest preserves" most important use"), of economic and social assets relating to wood products, recreation and other uses. Based on comprehensive assessment, the EIS should then "forecast" how the various resources would be affected by different management options, and how they will best be protected.
2. A range of management alternatives should be distilled from the assessments and made available for public review and input, instead of, as one reads in the NOI, "a Proposed Action and a No Action alternative" only. When the Service undertook revision of the Land and Resource Management Plan for the Cherokee National Forest in the late 1990s, seven alternatives were developed, analyzed, and thoughtfully and productively discussed with public stakeholders at public meetings. They became funneled into a "rolling recommended" alternative which eventually became the preferred and adopted alternative, in the Final EIS. The depth of analysis, review and input for the various management-package options led to a

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Planning Rule Comments, 2

well accepted plan for our Forest. All Forests should benefit from such comprehensive, range-of-alternatives planning. The full adoption of some or all of the standards from the earlier (Year 2000, Year 1982) regulations should be among the proffered alternatives.

3. The impacts of climate warming on the forests, especially as regards future water supply, wildlife and increased wildfire risk should be dealt with in the EIS.

4. Non-native invasive species, another new and serious problem in some of our Forests, should be an issue for concern and analysis in the EIS as well.

5. Most importantly, the decisions by the Service to discontinue maintenance of viable species populations as mandatory management standard, and to discontinue the monitoring of indicator species should be reversed. What President Roosevelt advised in 1902, that "the forest reserves ... also be made preserves for the wild forest creatures [since] many of them need special protection" has become not merely desirable but a necessity today. As wildlife habitat continues to shrink under population and development pressures, the national forest lands are essential as biodiversity havens and refuge. This function of the Forests is desired and supported by the American people. I urge that it be reinstated as obligatory management standard of high priority, in the new Rule.

6. The Service should also reinstate full public input opportunities under NEPA in development and revision of managements plans for all the National Forests.

Thank you for considering my comments.

Sincerely,

Tracy Huntz

Planningruleno

From: Gordon Warburton [warburg1@charter.net]
Sent: Monday, June 11, 2007 6:45 AM
To: Planningruleno
Subject: FW: NCWRC comments

Planning Rule Committee:

The North Carolina Wildlife Resources Commission continues to support the changes in the USFS planning rule proposed in 2005. Please see our attached previous correspondence.

The revised rule process clearly provides for public involvement and does so at the appropriate times and levels throughout the process. We strongly support analyses at the local level. This is clearly where such efforts should be due to the variation in environmental conditions seen across forests and districts. The improved use of the latest science is another strong suit of the new process.

Most important, the new process leaves the creation of planning documents at a very general level and allows for important work to be done on the ground. From a wildlife standpoint, we must be able to manage our forests to provide for critical habitats for many of our declining or threatened wildlife populations.

Thank you again for the opportunity to comment and to provide support. We really need to move this along and begin to manage our forests.

Gordon S. Warburton
Supervising Wildlife Biologist
NC Wildlife Resources Commission

-----Original Message-----

From: Gordon Warburton [mailto:warburg1@charter.net]
Sent: Tuesday, March 08, 2005 7:38 AM
To: 'planningce@fs.fed.us'
Subject: NCWRC comments

The attached are comments on the final planning regulation and proposed additional categorical exclusion for plan amendments and other plan-related actions. A copy of the text of this documents is printed below in case you cannot open the attachment.

Thank you for the opportunity to comment.

Gordon S. Warburton
Supervising Wildlife Biologist
NC Wildlife Resources Commission

March 7, 2005

USDA Planning Rule
Content Analysis Team

6/11/2007

PLR 78

P.O. Box 8359
Missoula, MT 59807

Content Analysis Team:

The North Carolina Wildlife Resources Commission is providing you with comments on the final National Forest System Land and Resources Management Planning Rule effective January 5, 2005 (36 CFR Part 219). **Our agency strongly supports this final designed to improve the planning process.**

The North Carolina Wildlife Resources Commission **supports the proposed change to the National Environmental Policy Act Documentation Needed for Developing, Revising, or Amending Land Management Plans; Categorical Exclusion, 70 Fed. Reg. 1062** (January 5, 2005). This new category exempts standard changes to plans from the full NEPA process and is necessary to implement the new planning process that we support. The entire process recognizes the variability of the different forests and the need to rely on experienced professionals in the U.S. Forest Service at the local level. .

The final rule along with the new category of categorical exclusion will allow forest managers to conduct responsible and much needed forest management on the ground. This will result in direct benefits to our wildlife resources.

We agree that the USFS agency spends too much time in planning and that planning costs too much. Further, we agree that both the 1982 and the 2000 planning rules were too difficult to implement, too costly and in many cases, too ambiguous. The unintended result is that the planning process prevented the USFS from taking actions that benefit the wildlife resources of North Carolina.

In the final rule, we particularly support streamlining the implementation of forest management projects, easing of the ability to amend and revise plans without excessive legal challenges, establishing reasonable requirements for monitoring wildlife (no longer requiring exhaustive population surveys), favoring ecosystem diversity, removing wildlife population viability requirements, allowing for site specific needs and variances, and allowing the use of clear-cutting and other even aged forest management tools in certain circumstances. We see that mandates for multiple use management are re-emphasized. We hope that general forest management directives will better recognize the variability of needs for the different forests across the country.

In summary, we support the vision of the new planning rule. We hope that a new stream-lined process for planning will ultimately lead to more money being spent to provide much needed disturbance regimes from many wildlife species and their habitats.

Sincerely,

Gordon S. Warburton
Western Region Supervisor
North Carolina Wildlife Resources Commission

6/11/2007



☒ North Carolina Wildlife Resources Commission ☒

Richard B. Hamilton, Executive Director

June 11, 2007

USDA Planning Rule
Content Analysis Team
P.O. Box 8359
Missoula, MT 59807

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In summary, we support the vision of the new planning rule. We hope that a new stream-lined process for planning will ultimately lead to more money being spent to provide much needed disturbance regimes from many wildlife species and their habitats.

Sincerely,

Gordon S. Warburton
Western Region Supervisor
North Carolina Wildlife Resources Commission

Planningruleno

From: dave werntz [dwerntz@conservationnw.org]
Sent: Sunday, June 10, 2007 12:11 PM
To: Planningruleno
Subject: NF Planning NOI Comments

Please accept the following comments (also attached) on the Scope of Analysis for National Forest System Land Management Planning Rule EIS

Sincerely,

Dave Werntz

Planning Rule NOI Comments
PO Box 162969
Sacramento, CA.
95816-2969

June 8, 2007

RE: Comments on the Scope of Analysis for National Forest System Land Management Planning Rule EIS

Dear Planning Team;

I'm writing on behalf of Conservation Northwest to provide comments on the May 11, 2007 request for scoping comments regarding environmental analysis of the national forest planning rule.

The Environmental Impact Statement must include the following:

1. A full range of alternatives, starting with the 1982 planning rule as the no-action alternative, the 2000 regulations as one action alternative, and one alternative that ensures population security in the face of global warming for plants and animals that live on national forest lands.
2. A description of the affected environment that includes (1) the present status and distribution of sensitive, threatened, and endangered species that live on national forests and grasslands; (2) the current condition of rivers and streams on national forests and grasslands; (3) the amount and distribution of remaining old growth habitat on the National Forest System; (4) the extent and impacts of invasive species; (5) a description and assessment of the existing network of roads and trails and types of use; (6) an assessment of the current extent of livestock grazing across the National Forest System; (7) the current status of oil, gas, and mineral development on national forests; and (8) the extent of past timber harvest and clearcutting.
3. The environmental consequences of proposed revisions to the NFMA regulations.

6/11/2007

The “environmental consequences” section of the EIS “forms the scientific and analytic basis” for the comparison of alternatives. This discussion must include “the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented.” This section must include discussions of both direct and indirect effects and their significance, along with the environmental effects of the alternatives.

Because the NFMA regulations control the development of both Forest Plans and site-specific projects, the substantial revision of the NFMA regulations, as proposed by the Forest Service, will result in an actual, physical effect on the environment in national forests and grasslands. Lowering environmental standards at the national programmatic level, as with the proposed rule, will result in lower environmental standards at the site-specific level. Pursuant to NEPA, the Forest Service must therefore analyze, consider, and disclose the direct, indirect, and cumulative environmental effects of the proposed action in the EIS.

Significantly, in analyzing the potential environmental impacts of its proposed action and alternatives, the Forest Service must recognize that it is not drafting new regulations on a blank slate. Rather, the agency must acknowledge and analyze any proposed changes in relation to the previous and existing regulations. This is because by proposing new regulations, the Forest Service is thereby also proposing to eliminate the previous regulations that had been in place.

Environmental consequences are also affected by the use of scientific information. The effects of discretionary use of scientific information, lack of independent scientific review of broad scale assessments, or failure to have scientists in charge of monitoring and evaluation procedures, and wildlife and habitat assessments must be evaluated.

The 1982 NFMA regulations provided mandatory and meaningful protection for fish and wildlife species. The Forest Service was required to manage fish and wildlife habitat to maintain viable populations of existing fish and wildlife species. In order to ensure viable populations, the agency was required to provide at least a minimum number of reproductive individuals and the habitat was required to be well distributed so that the individuals could interact with others in the planning area. Moreover, in order to estimate the potential effects on fish and wildlife populations, the Forest Service was required to identify “management indicator species,” and monitor their population trends. And additional protection was provided to threatened and endangered species and their habitat.

The mandatory requirements of the 1982 regulations resulted in Land and Resource Management Plans (“Forest Plans”) that included mandatory and quantifiable protection for fish, wildlife, and their habitat. By contrast, the proposed 2005 regulations completely eliminate the requirement that forest plans maintain viable populations of vertebrate species, along with the requirement that management indicator species be designated and monitored. There is no question that the elimination of the 1982 viability requirements will lead to fewer if any mandatory standards and guidelines in Forest Plans, as the very purpose of the proposed rule is to provide individual Forests with more discretion and flexibility.

In assessing the potential impacts of the proposed rule, the Forest Service must include an analysis of the potential impacts to fish and wildlife species from the elimination of the 1982 viability requirement. Even with the protection offered by the 1982 regulations, and the Forest Plans prepared under the 1982 regulations, numerous fish and wildlife species were placed on the agency’s list of sensitive species or designated as threatened or endangered under the Endangered Species Act during the 1980s and 1990s.

It is also now known that these species face additional threats from global climate change, continued habitat fragmentation, and other factors. Increased threats coupled with less protective standards and decreased opportunities for meaningful public oversight will undoubtedly decrease the overall protection offered to the fish and wildlife species that depend on the National Forest System. The Forest Service must therefore fully analyze and disclose the potential impacts of its proposed rule, including the elimination of the previous regulatory framework, on fish and wildlife species.

Past timber harvest has decimated mature and old growth forests throughout the National Forest System, and the many wildlife species that depend on these mature and old growth forests are struggling for survival. The mandatory viability requirement of the 1982 regulations led to mandatory, numeric protection for mature and old growth forests within Forest Plans, including the Northwest Forest Plan in the Pacific Northwest, the Northern goshawk and Mexican spotted owl plan amendments in the Southwest, and the 10% old growth standard included within numerous Forest Plans in the Northern Rockies. Many national forests are not meeting these numeric old growth requirements, and are thereby continuing to place mature and old growth species at risk. Since the proposed rule would eliminate the 1982 viability requirement, and emphasizes agency discretion and flexibility over mandatory, numeric standards for individual Forest Plans, the proposed rule may result in attempts to eliminate the mandatory, numeric protection for old growth forests. The EIS must fully assess and disclose the potential impacts of the elimination of this protection for old growth forests and dependent species, and address how the Forest Service would still be able to meet NFMA's diversity requirement.

In addition to the fish and wildlife viability requirement, the 1982 NFMA regulations included a number of mandatory, quantifiable standards referred to as "management requirements," including numeric limits on the size of clearcuts and stream side buffers. The EIS must assess the likely and potential environmental consequences resulting from the proposed elimination of these enforceable, numeric standards.

The IPCC, made up of over 1,000 scientists from over 100 countries, recently concluded that it is "very likely" (90 percent probability) that human activities are the main cause of global warming. The potential environmental consequences that may be caused by global climate change are both enormous and alarming. In this nation-wide EIS concerning the management, standards and guidelines for the 190 million acre National Forest System, the Forest Service must assess and disclose the potential contribution of projects and activities that are authorized on national forests and grasslands to the ongoing, human-caused changes to the national and global climate.

Forests are the most significant terrestrial stores of living carbon, and in fact slow global warming by storing and sequestering carbon. Forest plants and soils drive the global carbon cycle by sequestering carbon dioxide through photosynthesis and releasing it through respiration. Through photosynthesis, plants capture carbon dioxide and convert it to plant matter that then feeds the base of the entire planetary food chain. Old-growth forests are able to store massive amounts of carbon in their trunks as well as in the soil. When forests are degraded or logged, their stored carbon is released back into the atmosphere during harvest and through respiration, thus becoming net contributors of carbon to the atmosphere.

Forests are able to help mitigate for global warming in at least three ways: conserving existing forests to avoid emissions associated with forest degradation or clearing; sequestration by increasing forest carbon absorption capacity - occurring primarily by planting trees or facilitating the natural regeneration of forests, and the substitution of sustainability produced biological products. In other words, to help our forest store more carbon, and thereby alleviate the leading cause of global warming, we need to let our forests grow. Because the proposed rule would decrease and eliminate existing limits on logging practices, the rule will likely result in an increase of the amount of logging occurring in the National

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Forest System. The Forest Service must consider and disclose the potential consequences of increased timber harvest on global warming.

The Forest Service must also consider the proposed rule's continuation of existing livestock grazing and its contribution to climate change. Livestock grazing is widespread across the National Forest System in the western United States, and the proposed rule is unlikely to lead to any significant decrease in the extent of grazing, but rather may further increase such use. The contribution of this widespread livestock grazing on climate change must be assessed and disclosed.

Relaxed mandatory standards and protection at the national level, coinciding with increases in demand, would also likely result in increased oil and gas development on national forests. The ultimate burning of these fossil fuels would further increase global warming pollution, which needs to be considered and disclosed in this EIS.

4. Consideration and disclosure of affects of global climate change.

Global warming and climate change is one of the foremost problems the nation faces today, and implicates all aspects of the management of our national forests. Global warming is also undeniably one of the greatest threats to our nation's biodiversity. Global warming is already adversely affecting numerous fish and wildlife species in the United States, and these impacts are expected to accelerate and continue. It is also likely to affect fire behavior and extent.

Thank you for the opportunity to provide comment on the scope of environmental review of national forest rules.

Sincerely,

/s/

Dave Werntz
Science and Conservation Director

Conservation Northwest
1208 Bay Street
Bellingham, WA 98225

Dave Werntz
Science and Conservation Director
Conservation Northwest
1208 Bay St., Suite 201
Bellingham, WA 98225

360/671-9950 ex. 14 (voice)
360/671-8429 (fax)
www.conservationnw.org

Planningrulenoi

From: Nancy Wolff [nancy.morriswolff@cebridge.net]
Sent: Saturday, June 09, 2007 11:20 AM
To: Planningrulenoi
Subject: Planningrule2005comments2.6.11.07.doc

DATE: June 9, 2007

TO: Planning Rule NOI Comments Team
USDA Forest Service
planningrulenoi@fscomments.org

FROM: Associated Logging Contractors, Inc.
10589 S. Highway 95
P.O. Box 671
Coeur d'Alene, Idaho 83816-0671

Comment letter dated June 8, 2007 from Tim Christopherson, President
WORD document attached.

PLR&I



10589 S. HIGHWAY 95
P. O. BOX 671
COEUR d'ALENE ID 83816-0671

PHONE (208) 667-6473
TOLL FREE (800) 632-8743
FAX (208) 667-2144
E-MAIL: alc@idahologgers.com

June 8, 2007

Planning Rule NOI Comments

USDA Forest Service
P.O. Box 162969
Sacramento, CA 95816-2969
Facsimile: (916) 456-6724
Electronic Mail: planningrulenoi@fscomments.org

RE: Federal Register Notice of Intent to Prepare an Environmental Impact Statement
Planning Rule 2005 at 36 CFR part 219
May 11, 2007

To Whom It May Concern:

Associated Logging Contractors, Inc. (ALC), an Idaho non-profit association, submits these comments to the USDA Forest Service in a timely manner in response to the Notice of Intent to Prepare an Environmental Impact Statement as published in the Federal Register on May 11, 2007. The 2005 Planning Rule, found at 36 CFR part 219 and related sections, has been enjoined by a federal district judge in California until the USFS has complied with NEPA.

Historically, ALC has made the effort, both in time and financial resources, to attend and participate in public hearings and to submit written comments on various management plans and rules of the USFS, including the 2000 planning rule and the 2005 planning rule. During the last two (2) decades, ALC has participated in the planning process and has reviewed and commented on national forest plans, forest plan revisions, travel plans, special management plans for endangered species, and proposed rulemaking for various national forest activities. ALC has participated in various lawsuits brought against the Forest Service over the management of Idaho's national forests, including timber sales and road building activities. We are aware of the current "gridlock" surrounding the management of our national forests and we support the adoption of rules like the 2005 planning rule, which was designed to simplify the planning process, to increase efficiency and to decrease delays and costs in the planning process.

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June 8, 2007

As we have previously stated in other public comments submitted to the USFS, ALC is an Idaho non-profit corporation. Since 1966, it has been an association comprised of independent logging contractors, road builders, truck haulers and other timber related businesses. There are approximately four hundred (400) members in the association, with representation in most Idaho counties. Our members have worked on timber sales or road building projects in every national forest in Idaho. ALC members generally operate their businesses as sole proprietors, independent contractors, family owned businesses and/or closely held corporations. The owners of these businesses live, work and recreate within the national forests. These members are family and community oriented. Historically, we have utilized national forests and other public lands for a steady supply of timber, and at the same time we have engaged in recreational activities within the national forests and are committed to the multiple use of Idaho's natural resources. As citizens living in the State of Idaho, our members have a strong interest in the quality of the environment within the state for natural resource and recreational purposes. At the same time, ALC members have relied upon timber harvested from the national forests in Idaho for a portion of our timber supply.

ALC submitted comments to the Content Analysis Team on March 7, 2005 in support of the Forest Service proposed revisions to the planning rule process, its schedule for implementation and the administrative decision to withdraw the 2000 planning rule. (See Comment letter dated March 7, 2005). ALC also supported the categorical exclusion, both in concept and as promulgated in the Federal Register on January 5, 2005. ALC continues to support the concept that the planning process and the management of national forests certainly require a different framework and process than site specific projects and activities "on the ground." The 2005 planning rule served its purpose to clarify the differences between management planning at the national forest level and project planning and implementation at the local level.

ALC also supported the proposed categorical exclusion for certain projects or decisions that should not require analysis under NEPA. As stated in the March 7, 2005 letter "...the determination that certain projects and activities are excluded from further NEPA review under the guidelines set forth in the proposed rule are appropriate, make sense economically, and should allow our agency personnel to do their jobs more efficiently."

ALC has researched the decision of the district court for the Northern District of California, *Citizens for Better Forestry et al. v. USDA (N.D. Calif.) March 30, 2007*. Once again, the USFS and constituents like ALC around the nation find ourselves in a judicial gridlock. In Idaho, certain national forest plans that were recently revised under the 2005 planning rule are no longer in effect. According to materials produced by the USFS to answer questions about the effect of this court decision, the USFS states that the Forest Service has stopped using the 2005 planning rule and that "...if a plan was developed using the 2005 Rule, the Forest Service will halt the planning process using the 2005 Rule." (See *2005 Land Management Planning Rule Injunction, Questions and Answers*).

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According to a news bulletin issued under the 2005 Planning Rule by the USFS Northern Region, forest plans for the Lolo, Bitterroot, Flathead, Kootenai, Idaho Panhandle, and Clearwater/Nez Perce National Forests will not be released unless the agency is allowed to do so in the future based upon a subsequent court proceeding or ruling. ALC does not know what effect this injunction will have on our continued efforts to encourage the USFS to put up more timber sales on the national forest in Idaho.

ALC encourages the USFS to make every effort to resolve the ongoing legal challenges to the 2005 planning rule. ALC encourages the USFS to continue with the collaboration and work done so far, which has included much public involvement and participation from many stakeholders in the planning and revision process under the 2005 planning rule. ALC encourages the USFS to address the legal issues raised in the court decision so the 2005 planning rule will eventually be upheld. We support the development of a Proposed Action alternative which is consistent with our comments submitted in 2005 and in this comment letter, and we urge the USFS to continue in its efforts to adopt planning and management rules that are appropriate for national forests rather than site specific projects.

In summary, the 2005 planning rule allowed for public participation in a timely and efficient manner, allowed for the USFS to devote more staff time and budgetary resources to actual, real time forest management on the ground rather than on administrative and legal work, and provided for adaptability as current conditions on the ground change and as new scientific knowledge and information becomes available. ALC continues to support the ongoing efforts of the USFS to implement the 2005 planning rule. Further, ALC will continue to be actively involved in this rulemaking process as it progresses.

Thank you for the opportunity to submit these comments.

Respectfully Submitted,
Associated Logging Contractors, Inc.

By: /s/ Tim Christopherson
Tim Christopherson, President

TC:naw

Planningrulenoi

From: James Gutman [ajinsh@juno.com]
Sent: Sunday, June 10, 2007 12:03 PM
To: Planningrulenoi
Subject: Forest Planning Rule

Dear Sir:

We are writing to express our concerns re: the analysis of the National Forests Management Planning rule. We are very concerned that exempting forest plans from public and environment review will not serve the public nor it's forests well. To the contrary, open and thorough review of all aspects of this issue should be encouraged and made accessible as possible. Since climate change is imminent, we now have more and greater larger than life issues to consider. Strong standards to protect our forests must be implemented, not made the subject of political rhetoric.

Sincerely, Andrea and James Gutman 10511 Mahoney Dr., Sunland, Calif.
91040

Planningrulenoi

From: Pilar Pedersen [pilar@indra.com]
Sent: Sunday, June 10, 2007 11:46 PM
To: Planningrulenoi
Subject: planning regulations

To the National Forest Service:

I am writing to express my grave concern over the weakening of the National Forest Management Plan which was set up to protect our national forests from abusive practices.

I am a frequent visitor to our national forests and national grasslands and I support the concept of multiple users only as it can be practiced in a sustainable manner. The resources that our national forests contain cannot be simply measured in board feet, animal units, and extraction of minerals and fuels. I value wildlife habitat, clean air and water, historic artifacts, recreation, opportunities for scientific research, and want my children and following generations to experience all of them.

Because the resources I most care about are at risk from over use and over emphasis on extraction I am writing to request that you reinstate strong and enforceable measures to ensure that these resources and qualities are protected. We need to require standards which provide standards, or "must do" provisions.

You the Forest Service need to analyze stronger planning regulations in the forthcoming EIS, including those from 1982 that required protection of wildlife habitat and tracking of wildlife population and trends. Do NOT reinstate the 2005 Regulations in any form, as they provide no protection whatsoever for the national forest resources which I listed above.

Sincerely,

Pilar Pedersen
2334 1/2 Pine Street
Boulder, CO 80302
303-442-7630

Planningrulenoi

From: Kathryn B. Wilson [zklbw@aol.com]
Sent: Sunday, June 10, 2007 11:57 PM
To: Planningrulenoi
Subject: No to 2005 planning rule

Dear USDA Forest Service:

Forest management is a sacred public trust. Our national forests must be managed not as a collection of individual trees, but as an ecosystem. The forests serve to clean the air, moderate climate, and provide a living landscape for many creatures to live in. Diversity of species is supported by forests. Management of public forests require plans that file environmental impact statements in order to ensure the sustainability and viability of the national forests and their web of life. The forest ecosystems must be preserved to prevent mudslides and damage to both the homes of people and the homes of animals. The protection of rivers and streams in and adjacent to National Forests must be a focus, so that fish like salmon can swim in clear waters.

Thank you,
Kathryn Wilson

PLR85.

Planning Rule NOI Comments
P.O. Box 162969
Sacramento, CA 95816-2969

11 June 2007

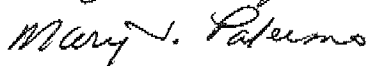
Dear Forest Service:

We are deeply concerned about the current proposal to prepare an Environmental Impact Statement (EIS) which may reinstate the 2005 Regulations. Our concerns are:

- 1) Protection of the Watershed – for the animals and for the Crestone/Baca community water source;
- 2) Protection of the Land and the native Animals – for *managed* recreational use (i.e., *managed* = protection of the environment and prevention of over use).

In summary, as concerned citizens we emphatically desire that the Forest Service require stronger planning regulations in the forthcoming EIS and please **do not** reinstate the 2005 Regulations in any form.

Most sincerely,

Dr. Vincent Palermo
Mary Palermo

P.O. Box 486
Crestone, CO 81131

(ph./fx: 719-256-4135)

Planningrulenoi

From: caroline@cnspl.com
Sent: Monday, June 11, 2007 6:36 AM
To: Planningrulenoi
Subject: Planning Rule - NOI Comments

Forest Service
PO Box 162969
Sacramento, CA 95816-2969

Dear Forest Service,

Please accept my comments for the preparation of the environmental impact statement to analyze the potential environmental consequences associated with the Nat. Forest System land management planning rule.

My hope is that the USFS adopt rules similar to those of the Sept. 18, 1982 Federal Register USFS planning rules.

I support rules like these is because they track closely the Nat. Forest Management Act and what it requires the USFS to do.
The 2005 planning rules do not track the NFMA well.
The NFMA has not changed and the requirements that the USFS must adhere to are still the same.

I look to the Nat. Forest Management Act to ensure that the Forest Service will maintain viable wildlife populations and properly manage our national forests for future generations. A critical component of past forest planning regulations is the requirement of mandatory resource protection standards for all forest plans. The EIS needs to analyze the direct and indirect effects of eliminating resource protection standards from forest plans and the impacts of eliminating wildlife viability and monitoring requirements !

Please reconsider the exemption of forest management plans, revisions or amendments from environmental review and meaningful public input under the National Environmental Policy Act (NEPA).

Without the full NEPA process (an EIS), the public is not given adequate information to evaluate the environmental consequences of forest plans.

The Forest Service should also take into account the breadth of new scientific and socio-economic information. The Forest Service should fully analyze other alternatives to the 2005 planning rule that include strong standards to protect forests, waters and wildlife, and evaluate the adoption of some or all of the 1982 and 2000 regulations.

Alternatives should also include requirements for the agency to develop plans to address impacts of climate change in accordance with the Global Climate Change Prevention Act.

Since this is the first time the public has the opportunity to participate in an EIS process for the new forest planning regulations, please modify NEPA deadlines in order to allow time to thoughtfully consider public comments throughout the NEPA process.

Again, my hope is that you adopt rules similar to those of Sept. 18, 1982 Federal Register USFS planning rules.

Thank you for the opportunity to comment, Caroline and David Tapia
12 Paseo de San Antonio
Santa Fe, NM 87507

Planningruleno

From: Peel,Caitlyn [Caitlyn.Peel@ColoState.EDU]
Sent: Monday, June 11, 2007 8:43 AM
To: Planningruleno
Subject: Comments from the Council of Western State Foresters

Please accept the attached comments from the Council of Western State Foresters.

If you have any problems with the attachment, please contact me using the below contact information.

Sincerely,

Caitlyn Peel, Governmental Affairs Director
Council of Western State Foresters
2850 Youngfield, Lakewood, CO 80215
303.445.4363 - phone
720.234.0971 - cell
303.239-3811 - fax
CPeel@colostate.edu
Visit us at www.westernstateforesters.org

To: United States Forest Service- Ecosystem Management Coordination Staff
From: Council of Western State Foresters
Subject: Scoping Comments for 2005 Planning Rule EIS
Date: June 11, 2007

The Council of Western State Foresters (Council) is comprised of the seventeen State Foresters and six Territorial Foresters in the West. The Council has a vested interest in the land management planning process for lands administered by the U.S. Forest Service: many of these lands border and/or surround State and private forests and constitute large areas of forest in the Western U.S.

Although the Council of Western State Foresters does not agree with the court's order in *Citizens for Better Forestry et al. v. USDA*, we support the decision by the U.S. Forest Service to expedite the planning process by analyzing the 2005 Planning Rule under NEPA using an Environmental Impact Statement.

To that end, we suggest that the *procedural scope of the analysis* include:

- No additional action alternatives should be analyzed. The 2005 Planning Rule (action alternative) and the no action alternative will provide the necessary diversity among possible federal actions that NEPA requires. Additionally, the NEPA statute reads that federal agencies analyze a "range of reasonable" alternatives; not that the agency analyze a "reasonable range" as the court's have read; the later implying a *quantitative* test rather than the *qualitative* one as the law suggests.
- An expedited public involvement process for this analysis. Numerous avenues for the expression of opinions and ideas have been provided to the public, agencies, and interest groups to date via previous rulemaking processes.

The *substantive* aspects of the 2005 rule that should be carried forward into the analysis include:

- Strong guidance and mandate for collaborative planning and public involvement, regardless of the level of NEPA analysis done on LRMPs.
- Explicitly recognizing the role of scientific uncertainty and adaptive management in land management planning.
- Explicitly recognizing the three legged stool of sustainability and directing the FS to consider all three interdependent aspects of forest ecosystem management in conjunction: ecological, economic, and social.
- The elimination of voluminous, resource intensive, an unnecessary NEPA analysis at the "Plan" stage that does not directly alter outcomes on the ground. More appropriately, detailed analysis should be reserved for the project level where on-the-ground effects can be directly evaluated.
- Directing limited agency resources towards pre-decisional collaborative planning and public involvement rather than voluminous and technical effects analysis. Because land management plans are not site specific and are better described as documents based more on social values and judgments about land management, public involvement and collaboration are central to their success. Effects analysis

under NEPA does NOT equal legitimate and useful public involvement and collaborative planning.

- Reductions to total elimination of prescriptive elements in Land Management Plans which are relics from a management era of the past. These include but are not limited to such constructs as Management Indicator Species, project level standards and guidelines, and strict land-use designations. This will allow for maximum flexibility when managing in concert with the uncertainty resulting from rapidly changing ecological (e.g. climate change), social (e.g. demographic changes), and economic (e.g. wood products industry changes) environments.

Lastly, we encourage the agency to disclose to the public the impact of failing to reduce time and resources spent on planning, which would be the result of either dropping or significantly changing the 2005 rule.

Thank you for consideration of our comments. We stand ready to clarify and support this scoping process.

Planningruleno

From: Robin Delany-Shabazz [rvdelany@yahoo.com]
Sent: Saturday, June 09, 2007 4:41 PM
To: Planningruleno
Subject: National Forest Planning rule comment due June 11, 2007

To Whom It May Concern:

In response to the Forest Service notice of intent to Prepare an Environmental Impact Statement (EIS):

I am deeply concerned that the Forest Service seeks to exempt forest management plans, revisions or amendments from the NEPA review process.

A full and open NEPA process is essential to ensuring meaningful public input and make certain that the management of forests meets the needs of all citizens over a select few corporate interests. The public needs to be able to consider and weigh in on the consequences of forest plans. Without such public comment into FS management processes, our National Forests will continue to be razed, sold or leased off and put out of reach of Jane Q. Public. Open government, decisions made within the full light of public knowledge is the cornerstone to democracy.

As a consequence of maintaining the requirement to allow public input, the recent trends will continue to escalate resulting in working and middle class citizens and residents being denied access to lands under National Forest jurisdiction either through simple exclusion or by effectively being priced out.

Therefore, I urge that the Forest Service return to its rules published in the September 18, 1982 Federal Register. It is critical that roads that provide access to residential property within or near National Forest lands are designated open access and be the foundation of planning decisions about forest management made by the FS.

Thank you for your consideration of my comments.

Robin Delany-Shabazz
3505 Castle Way
Silver Spring, MD 20904

Planningrulenoi

From: Robert Allbright [rgagraphics@earthlink.net]
Sent: Saturday, June 09, 2007 9:53 PM
To: Planningrulenoi
Subject: Forest Service Planning

The rules and laws are meant be followed, not broken! Blessings to the court over ruling. It is about time the Bush Administration stay home and take care of their own backyard and stop dumping money into countries that want to destroy us as well as using tax payers money to take care of things that are needed here in America. We need change!

To add to this e-mail, the forest service charge for using the forest areas as public recreation should not have an imposed fee. We tax payers are already paying for this. We should not be *double charged*. As for limited funds in repairing forest trails, why does the Sierra Club not get involved in this and stay out of politics and wasting their money on political propaganda. This was not their purpose for which they were intended! The Sierra Clubs' purpose is to assist in whatever is necessary to maintain the forest trails and the forest areas as well as promoting them for public use.

Robert Allbright

rgagraphics@earthlink.net

Planningrulenoi

From: rsheldon2000@aol.com
Sent: Saturday, June 09, 2007 8:23 AM
To: Planningrulenoi
Subject: Objection

I object to any re writing of the
Forrest Management Plan that does not ensure the healthy sustainability of our forrests
including the public.s ability to participate, review, and approve such newly proposed
plans.

Ross S Shelldon
Sent via BlackBerry from Cingular Wireless

Planningrulenoi

From: queenerspiano@aol.com
Sent: Saturday, June 09, 2007 10:37 PM
To: Planningrulenoi
Subject: protecting any National Forest Service lands through our environmental laws

Dear USDA Forest Service:

Please protect our forest lands by considering all environmental laws before implementing any plan. The forests are our heritage and American resource.

I hope that before anything is done, there will be adequate public input.

Thank you,

Carolyn Queener
1215 Pacific Ave
Alameda, CA 94501

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

Planningruleno

From: talliemooreartist@yahoo.com
Sent: Saturday, June 09, 2007 9:16 AM
To: Planningruleno
Subject: RE: Planning Rule NOI Comments

Forest Service
PO Box 162969
Sacramento, CA 95816-2969

Dear Forest Service,

THE BUSH ADMINISTRATION IS OWNED AND OPERATED BY THE EXPLOITATIVE CORPORATIONS THAT WANT THE USE OF PUBLIC LANDS EVERYWHERE. OUR FORESTS ARE THE MOST BEAUTIFUL AND MOST FRAGILE AND YOUR AGENCY IS CHARGED WITH THEIR PROTECTION. FOLLOW YOUR MANDATE AND BREAK THE GREEDY HOLD OF MINING, LUMBERING AND GRAZING INTERESTS. PROVE TO US THAT YOU KNOW THESE ARE OUR LANDS, NOT THEIRS.

Please accept these scoping comments for the preparation of the environmental impact statement to analyze and disclose potential environmental consequences associated with the National Forest System land management planning rule.

WE recommend that the USFS adopt rules the same or similar to those of the September 18, 1982 Federal Register USFS planning rules. WE support rules like these is because they track closely the 1976 National Forest Management Act (NFMA) and what it requires the USFS to do. The 2005 planning rules do not track the NFMA well and often leave out significant requirements or make them optional. The USFS should list all the mandatory requirements of the NFMA and then ensure that rules are prepared and implemented which contain these requirements and that these rules are covered by the EIS. The NFMA has not changed and the requirements that the USFS must adhere to are still the same.

The public looks to the National Forest Management Act to ensure that the Forest Service will maintain viable wildlife populations and properly manage our national forests for future generations. A critical component of past forest planning regulations is the requirement of mandatory resource protection standards for all forest plans. The EIS needs to analyze the direct and indirect effects of eliminating resource protection standards from forest plans and the impacts of eliminating wildlife viability and monitoring requirements.

In the development of the forest planning EIS, WE urge that the Forest Service reconsider the exemption of forest management plans, revisions or amendments from environmental review and meaningful public input under the National Environmental Policy Act (NEPA). Without the full NEPA process (an EIS), the public is not given adequate information to evaluate the environmental consequences of forest plans and disregards the best available science in favor of commercial interests. The planning rule EIS should fully analyze impacts of exempting forest plans from NEPA and consider alternatives that require full NEPA analysis and public participation.

The Forest Service should also take into account the breadth of new scientific and socio-economic information. The Forest Service should fully analyze other alternatives to the 2005 planning rule that include strong standards to protect forests, waters and wildlife, and evaluate the adoption of some or all of the 1982 and 2000 regulations. Alternatives should also include requirements for the agency to develop plans to address impacts of climate change in accordance with the Global Climate Change Prevention Act of 1990 (7 U.S.C. 701).

Since this is the first time the public has the opportunity to participate in an EIS process for the new forest planning regulations, the Forest Service needs to modify NEPA deadlines in order to allow time to thoughtfully consider public comments throughout the NEPA process.

Thank you for the opportunity to comment, %pa_first_name%Ms. Bob %pa_first_name% Tallie m.
BUSH
507 County Road 32050
Brookston, TX 75421

Planningruleno

From: easyjess@nmia.com
Sent: Saturday, June 09, 2007 9:55 AM
To: Planningruleno
Subject: RE: Planning Rule NOI Comments

Forest Service
PO Box 162969
Sacramento, CA 95816-2969

Dear Forest Service,

Please accept these scoping comments for the preparation of the environmental impact statement to analyze and disclose potential environmental consequences associated with the National Forest System land management planning rule.

I recommend that the USFS adopt rules the same or similar to those of the September 18, 1982 Federal Register USFS planning rules. I support rules like these is because they track closely the 1976 National Forest Management Act (NFMA) and what it requires the USFS to do. The 2005 planning rules do not track the NFMA well and often leave out significant requirements or make them optional. The USFS should list all the mandatory requirements of the NFMA and then ensure that rules are prepared and implemented which contain these requirements and that these rules are covered by the EIS. The NFMA has not changed and the requirements that the USFS must adhere to are still the same.

The public looks to the National Forest Management Act to ensure that the Forest Service will maintain viable wildlife populations and properly manage our national forests for future generations. A critical component of past forest planning regulations is the requirement of mandatory resource protection standards for all forest plans. The EIS needs to analyze the direct and indirect effects of eliminating resource protection standards from forest plans and the impacts of eliminating wildlife viability and monitoring requirements.

In the development of the forest planning EIS, I urge that the Forest Service reconsider the exemption of forest management plans, revisions or amendments from environmental review and meaningful public input under the National Environmental Policy Act (NEPA). Without the full NEPA process (an EIS), the public is not given adequate information to evaluate the environmental consequences of forest plans and disregards the best available science in favor of commercial interests. The planning rule EIS should fully analyze impacts of exempting forest plans from NEPA and consider alternatives that require full NEPA analysis and public participation.

The Forest Service should also take into account the breadth of new scientific and socio-economic information. The Forest Service should fully analyze other alternatives to the 2005 planning rule that include strong standards to protect forests, waters and wildlife, and evaluate the adoption of some or all of the 1982 and 2000 regulations. Alternatives should also include requirements for the agency to develop plans to address impacts of climate change in accordance with the Global Climate Change Prevention Act of 1990 (7 U.S.C. 701).

Since this is the first time the public has the opportunity to participate in an EIS process for the new forest planning regulations, the Forest Service needs to modify NEPA deadlines in order to allow time to thoughtfully consider public comments throughout the NEPA process.

Corporations have no right to stick their noses into National Forest management practices. Keep them out. Adopt rules like the September 18, '82 Federal Register USFS planning rules.

Thank you for the opportunity to comment, Jess Alford

PL 1294

34 Easy St
Tijeras, NM 87059

Planningrulenoi

From: rick [rstolley@earthlink.net]

Sent: Friday, June 08, 2007 11:38 PM

To: Planningrulenoi

I object to the 2005 rewrite of the forest management planning rules. My name is Reginald R Stolley

Planningruleno

From: William O'Neil [wco7171@msn.com]
Sent: Friday, June 08, 2007 7:28 PM
To: Planningruleno
Subject: EIS

Please take the following comments into consideration, regarding the current preparation of the Environmental Impact Statement for the National Forest System land management rule.
The EIS should not exempt forest plans from environmental review.
The Forest Service should include public input, under the National Environmental Policy Act.
The Forest Service should provide timely and adequate information regarding forest plans.
The Forest Service should consider alternatives to the 2005 planning rules, so that they include strong standards for protection of water systems and wildlife .
The Forest Service should adopt some or all the 1982 and 2000 regulations for the above concerns.

Thank you ,

William O'Neil
Menlo Park, Ca.

Planningrulenoi**From:** MLDelany@aol.com**Sent:** Saturday, June 09, 2007 7:35 AM

To: Planningrulenoi; wfpamail@vcmail.com; AHRI@cableone.net; AlexM@housingaz.com; Alfalk@cableone.net; andrew.reinhardt@cityofprescott.net; aquan@fs.fed.us; becky@pcaaz.org; besolper@earthlink.net; bmicelman@cableone.net; caringpresence@cableone.net; chip.davis@co.yavapai.az.us; cynthiad@housingaz.com; Davah@davacivil.com; deliawhitehead@msn.com; DeweyDCH@aol.com; Diverson@commspeed.net; dkecfinn@juno.com; Dmaurer@prescott.org; donna.hastings@az.usda.gov; elisetownsend@commspeed.net; ghuber@cableone.net; Gina_moya@usw.salvationarmy.org; GjbDavies@aol.com; goodwin-es@msn.com; herrind@azdhs.gov; hkmjr@cableone.net; info@pvchamber.org; lRichards@openinn.org; jane.bristol@cityofprescott.net; jdodder@prescottaz.com; Jenal@cableone.net; jgatens@usvetsinc.org; jimbuchanan@cableone.net; jlz@catalystarchitecture.com; Jniznik@azdes.gov; jwilliams@azwild.org; kastanton@att.net; KenDar60@aol.com; kenneth_a._einbinder@hud.gov; ksweet@nacog.org; Lcurtis@azdes.gov; ljwest@fs.fed.us; lmason@azleg.gov; Mariellel.wygc@narbha.org; MarkL@housingaz.com; mattcampbell@cableone.net; mchavez@flowserve.com; Melissa.Davis@va.gov; mhaubrich@cableone.net; Mike.duncan@az.usda.gov; mkeener@nacog.org; MLDelany@aol.com; MLKuehl@aol.com; nancyd.WYGC@narbha.com; ncphopwa@northlandcares.org; nonprofitNet@gwi.net; opendoor@qwest.net; PawlKat@yahoo.com; ppwc@cableone.net; PrescottThatchers@msn.com; projectaware@cableone.net; rcmtprescott@earthlink.net; rnickerson@azceh.org; sbuckley@usvetsinc.org; stephanie@steppingstonesaz.org; TCantwell@USVETSINC.ORG; terranova@cableone.net; theremoco@earthlink.net; Thomas.thurman@co.yavapai.az.us; tom.guice@cityofprescott.net; Tony_Grahame@yc.edu; Tradewinds337@aol.com; Vhudenko@cox.net; VTurner@az.gov; wmoulton@commspeed.net; yavdems@commspeed.net; rvdelany@yahoo.com; HDC@aol.com; D3MDELANY@aol.com; kiriki@streamguys.com; desilk@rockisland.com; newfrontier@earthlink.net; mccain@mccain.senate.gov; rick.renzi@mail.house.gov; RenoSys@aol.com; jspeaker@streamguys.com; wsnfc@earthlink.net; jgraubert@gmail.com; leema@snakepriestess.com; midnite26@epix.net; dgraubert@alum.mit.edu; Danielle.Dineen@Mattel.com; JefMicha@aol.com; drukman@drukman.com; samdruk@yahoo.com; lisa@lisafeldstein.com; dorothy_anderson@verizon.net; bobb@landforgood.org; riverdee@earthlink.net; teagard9@aol.com; tarap@pwrcom.com; kadavis29@cox.net; bbird@fguardians.org; lfloyd-hanna@prescott.edu; Lisapackard74@juno.com; gailsteiger@msn.com; whitehet@pdx.edu; lora@lorasellsprescott.com; marcusbg@got.net; sanford9@mindspring.com; alfrail@cableone.net; derekb@northlink.com; gheral@cableone.net

Subject: National Forest Planning rule - Comment due June 11, 2007 - Please forward**Important!**

Dear Folks,

The recent administrations have tried to eliminate the public's say in managing public lands. The courts recently decided this was improper. The public has been given the briefest opportunity to reestablish these lost rights.

Without public scrutiny the National Forests are being cut, closed, sold, and leased to corporate interests. Working families, residents, and recreational uses are rapidly losing access, getting priced out, or are simply excluded from National Forest managed public land.

Meanwhile, extractive industry has been getting increased access, or a free ride.

Please take this opportunity to comment and maintain an open planning process as originally established and intended by Congress.

Forward, June 11th is this Monday, so please respond today

6/11/2007

PLR97

Thanks,

Marc Delany

Federal Register Notice:

May 14, 2007

Notice of Intent to Prepare an Environmental Impact Statement.

The Forest Service is giving notice of its intent to prepare an environmental impact statement to analyze and disclose potential environmental consequences associated with a National Forest System land management planning rule. This environmental impact statement is being prepared in partial response to an order dated March 30, 2007, in which the United States District Court in *Citizens for Better Forestry et al. v. USDA* (N.D. Calif.) enjoined the USDA from implementation and utilization of the National Forest land management planning rule published in 2005 until the agency complies with the court's order.

DATES: Comments concerning the scope of the analysis must be received by **June 11, 2007.**

ADDRESSES: Comments may be sent via e-mail to planningrulenoifsccomments.org.

Written comments concerning this notice should be addressed to Planning Rule NOI Comments, P.O. Box 162969, Sacramento, CA 95816-2969, or via facsimile to (916) 456-6724.

My sample letter below, feel free to edit, then email to: planningrulenoifsccomments.org

RE: Planning Rule, Notice of Intent (NOI) Comments

Dear USDA Forest Service

I recommend that the USFS adopt rules the same or similar to those of the September 18, 1982 Federal Register USFS planning rules.

Roads serving residential property within and adjacent to national forest are motorized public roads, open to all. These routes define an underlying network from which other management decisions necessarily must be built upon.

In the development of the forest planning EIS, I urge that the Forest Service reconsider the exemption of forest management plans, revisions or amendments from environmental review and meaningful public input under the National Environmental Policy Act (NEPA). Without the full NEPA process (an EIS), the public is not given adequate information to evaluate the environmental consequences of forest plans and disregards the best available science in favor of commercial interests. The planning rule EIS should fully analyze impacts of exempting forest plans from NEPA and consider alternatives that require full NEPA analysis and public participation.

Marc Delany
PO Box 570
Prescott AZ 86302
928 541-1883

See what's free at <http://www.aol.com>.

6/11/2007

Planningruleno

From: Bill/Nancy Dutcher [nanbildutc@sbcglobal.net]

Sent: Friday, June 08, 2007 9:40 PM

To: Planningruleno

We object to the re-writing of the National Forest Service forest management plans as proposed by the Bush Administration as follows:

Please accept these scoping comments for the preparation of the environmental impact statement to analyze and disclose potential environmental consequences associated with the National Forest System land management planning rule.

The EIS should analyze the impacts on the national forests of exempting forest plans from environmental review and meaningful public input under the National Environmental Policy Act.

The Forest Service should ensure that the public has access to adequate information for the evaluation of the environmental consequences of forest plans. Given the size and complexity of most forest plans, the Forest Service should ensure that enough time is allowed for informed public comment.

The EIS should analyze the effects of eliminating resource protection standards from forest plans and the impacts of eliminating wildlife viability and monitoring requirements.

The Forest Service should consider alternatives to the 2005 planning rule that include strong standards to protect forests, waters and wildlife, and evaluate the adoption of some or all of the 1982 and 2000 regulations. Alternatives should also include requirements for forest plans to address the impacts of climate change.

Exempting forest management plans will eliminate the study or disclosure of the cumulative impact of management activities across the national forest, something usually done at the planning stage.

The agency should not make it easier for timber, oil, gas, mining and motorized recreation companies to profit from the use of public forests while eliminating the need for forest managers to assess potentially harmful impacts on water, wildlife, recreational use, old growth and roadless areas.

Thank you for the opportunity to comment.

Sincerely

William and Nancy Dutcher

Planningrulenoi

From: Joseph Holmes [jh@josephholmes.com]
Sent: Friday, June 08, 2007 7:55 PM
To: Planningrulenoi
Subject: Forest Plan EIS Comments

Dear USFS,

I object to the 2005 rewrite of the forest management planning rules and their sweeping away the requirements of NEPA and public input into national forest planning.

I do not want to see our forests managed for wood and fiber maximization, rather to see all roadless areas protected in perpetuity and to see all areas in production be conservatively managed for perpetual sustainability, with some being restored to no-harvest regimens.

The EIS for the new forest plan should analyze the impacts on our forests from exempting plans from environmental review and extensive public input under NEPA.

The public should be given extensive access to fully adequate information with which to evaluate the plans, and be given plenty of time to perform the evaluations. Anything less smacks of criminality.

The history of the USDA at managing forests is not encouraging.
Massive subsidy of private logging operations through road building
-- paying people to come and take the public's trees -- is thievery, plain and simple.

My trees. My forest. My input is required!

Thank you,

Joseph Holmes

14 Highland Blvd.
Kensington, California 94707