

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 1100 – Directive System
Chapter 1120 - Directive Writing, Preparation, And Clearance**

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Superseded Directive:

Approved by:

Date approved:

Responsible Staff:

Explanation of changes: Following is an explanation of the changes throughout the directive by section.

Table of Contents

1120.1 - Authority.....	3
1120.2 - Objectives	8
1120.3 - Policy	8
1121 - Directive Writing and Preparation	8
1122 - Directive Review and Clearance.....	9
1122.04 - Responsibility	9
1122.04a - Staff Director or Staff Officer	9
1122.04b - Directive Manager.....	10
1122.04c - Approving Line Officer	10
1122.1 - Amendments and Supplements	10
1122.11 - Washington Office	10
1122.12 - Field Units.....	11
1122.2 - Interim Directives	11
1122.21 - Washington Office	11
1122.22 - Field Units.....	11

1120.1 - Authority

1. Public Notice and Comment. (FSM 1013). Section 14 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (the National Forest Management Act of 1976 and 16 U.S.C. 1612(a)) directs the Secretary of Agriculture to promulgate regulations governing public participation in the formulation of standards, criteria, and guidelines applicable to Forest Service programs. Agency rules at Title 36, Code of Federal Regulations, part 216 (36 CFR part 216; ex. 01) implement this statutory provision and require that Forest Service officials determine whether formal public notice and review is needed for Forest Service Manual issuances. These rules also set forth criteria to consider, requirements for documenting the determination, and the means of giving notice at each level of the Forest Service organization.
2. Regulatory Review by Office of Management and Budget. Executive Order 13422, which revises 12866, requires advance Office of Management and Budget (OMB) review of Federal rules and regulations deemed significant. The regulatory review procedures also apply to proposed and final Servicewide Forest Service Manual directives published in the Federal Register if OMB determines them to be significant (FSM 1013).
3. Administrative Requirements Burden. Departmental Regulation 1410-1 requires agency heads to ensure that agency directives impose only the minimum administrative requirements necessary and do not impose unreasonable administrative burdens.

1120.1 - Exhibit 01

Title 36, Code of Federal Regulations, part 216 (36 CFR part 216)¹

PART 216--INVOLVING THE PUBLIC IN THE FORMULATION OF FOREST SERVICE DIRECTIVES

Sec. 216.1 Purpose.

This part establishes procedures to ensure that Federal, State, and local governments and the public have adequate notice and opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

Sec. 216.2 Definitions.

(a) The *Forest Service Manual* consists of numerous volumes organized by numerically coded subject matter. The volumes contain legal authorities, responsibilities, delegations, and general instruction and direction needed on a continuous basis by Forest Service officers at more than one unit to plan and execute programs. The parent text is issued by the national headquarters and sets forth the policies, and other guidance applicable Service-wide. National directives are supplemented, as necessary, by Forest Service field offices. Supplements to the Forest Service Manual are applicable only within the Forest Service organizational jurisdiction for which they are issued. The Forest Service Manual is revised to conform to changing law, orders, regulations, or management needs.

(b) *Public participation activities* are actions initiated by the Forest Service to facilitate an exchange of information with the public. These actions include, but are not limited to, oral and written measures such as public notices, letters, discussion papers, and gatherings such as meetings, workshops, and hearings.

(c) *Standards, criteria, and guidelines* means those written policies, instructions, and orders, originated by the Forest Service and issued in the Forest Service Manual which establish the general framework for the management and conduct of Forest Service programs.

¹ The text of this regulation appears as printed in the CFR; typographical errors have not been corrected.

1120.1 - Exhibit 01--Continued

Sec. 216.3 Applicability; relationship to other public participation opportunities.

- (a) The requirements described in this part do not apply to--
 - (1) Rules or regulations promulgated according to the requirements of the Administrative Procedure Act, 5 U.S.C. 553;
 - (2) Instructions, procedures, and other material issued in Forest Service Handbooks; and
 - (3) Proposed Manual directives which provide guidance and procedures on administrative support activities such as personnel matters, procurement, service contracting, and other routine business operations of the agency.
- (b) This part does not supersede or replace the requirements of the National Environmental Policy Act as set forth in 40 CFR part 1500 and chapter 1950 of the Forest Service Manual. The requirements described in this part do not apply where equivalent public notice and opportunity for comment on the contents of a proposed Manual directive are provided during compliance with NEPA procedures.
- (c) The direction for management of many Forest Service programs is developed with public participation during land and resource management planning (part 219), and other activities. The relevant results of such public participation shall be used in formulation of Forest Service Manual directives to avoid duplicating public participation efforts.
- (d) In addition to the opportunity for formal public review and comment offered in this part, the public may informally review and comment on Manual material at other times.
- (e) These regulations do not prevent informal consultation with selected Federal, State, and local governments and the public when such consultation is deemed appropriate in formulating Manual material.

Sec. 216.4 Determining the need for formal public review of proposed Manual directives.

- (a) Agency officials responsible for formulating Manual directives containing applicable standards, criteria, and guidelines shall determine whether substantial public interest or controversy concerning a proposed Manual directive can be expected.
- (b) The following shall be considered in making this determination:
 - (1) Direct written or oral communication with those known to be interested in the proposal;

1120.1 - Exhibit 01--Continued

(2) The degree to which the proposal is likely to adversely or beneficially affect the general public as well as those known to be interested in the proposal;

(3) The amount of change the proposal represents from current direction;

(4) The extent of recent news media coverage on subjects related to the proposal; and

(5) The amount of interest or controversy expressed on previous proposals on the same or similar subjects.

Sec. 216.5 Documentation.

The responsible Forest Service official shall document the results of the determination made pursuant to Sec. 216.4(b), and the reasons therefore, in a concise written summary. The summary may be combined with documentation required by NEPA procedures or other applicable law or policy. The summary shall be prepared and filed at the same location as the Forest Service official responsible for developing the Manual directive.

Sec. 216.6 Notice and comment procedures for proposed Manual directives identified for formal public review.

(a) Where it is determined that substantial public interest or controversy concerning a proposed Manual directive can be expected, the following minimum requirements for notifying the public and giving opportunity to comment on the proposal apply:

(1) *National Forest and Ranger District Proposals.* The responsible official shall determine appropriate means of notifying the public. This may include, but is not limited to, legal notice in a newspaper of general circulation or press release. The public shall have a minimum of 30 calendar days to review and comment on the proposal.

(2) *Regional, Station, and Area Proposals.* The responsible official shall determine appropriate means of notifying the public. This may include, but is not limited to, notice and summary of the proposal in the Federal Register, legal notice in one or more newspapers of general circulation, or press release. The public shall have a minimum of 30 calendar days to review and comment on the proposal.

1120.1 - Exhibit 01--Continued

(3) *National Proposals*. The responsible official shall publish a notice and summary of the proposal in the Federal Register, followed by a minimum of 60 calendar days for public review and comment.

(b) Agency officials will give direct notice to Federal, State, and local governments and to the public known to be interested in the proposal. Along with the notice, the responsible official shall also provide either a complete proposal or a summary of the proposal for review.

(c) The responsible Forest Service official may conduct additional public participation activities related to the proposed Manual directive as are deemed appropriate and necessary.

(d) Comments received from the public shall be analyzed and considered in the formulation and preparation of the final Manual directive.

(e) The final Manual directive or a summary shall be sent to those who offered comments on the proposed directive and further publicized as deemed appropriate by the responsible official.

Sec. 216.7 Exemption of proposed Manual directives from normal procedures.

When it is found for good cause that an exigency exists, an interim Manual directive that is determined to be of substantial public interest or expected controversy may be issued in advance of providing opportunity for public comment. However, as soon as practicable after issuance, the interim Manual directive will be made available for public review and comment as described in Sec. 216.6. In making the Manual directive available, the responsible official shall state why the interim directive was issued prior to obtaining public comments.

Sec. 216.8 Availability of proposed Manual directives identified for formal public review.

As a minimum, review copies of proposed Manual directives determined to be of substantial public interest or expected controversy shall be available in the Forest Supervisor's Office and District Rangers' Offices when National Forest proposals are involved; in the Regional Office and Forest Supervisors' Offices when regional proposals are involved; and in Regional Offices and National Headquarters when national proposals are involved. When Manual directives involve Forest Service Research or State and Private Forestry programs, review copies shall be available at comparable administrative offices.

1120.2 - Objectives

In writing, preparing, reviewing, and approving directives, the objectives are to:

1. Provide directives that are clear, concise, and easy to understand.
2. Issue directives that are user oriented.
3. Issue directives that meet the principles and guidelines set forth in FSM 1111.1 and FSM 1112.1.
4. Keep direction to the minimum necessary to provide the required degree of administrative control and accountability.
5. Continually improve the quality and utility of the Directive System.
6. Maintain the currency of the Directive System by promptly issuing amendments, supplements, or interim directives in response to changing law, regulation, order, or management conditions.
7. Ensure that interested and affected parties, both internally and, where appropriate, externally, have opportunity to review and comment on proposed directives.
8. Maintain line officer control and approval over substantive directive issuances.

1120.3 - Policy

Use existing directive codes whenever possible to minimize costly revision of directives and other administrative issuances or processes.

1. Submit revisions that require new or substantially revised servicewide directive coding to the Servicewide Directive Manager for review and evaluation before beginning writing.
2. Consider impacts on cross-references, file designations, report and form numbers, and field supplements, when proposing changes in existing coding.

1121 - Directive Writing and Preparation

Draft and prepare directives in accordance with the content requirements of FSM 1111.1 and FSM 1112.1, and the standards and procedures in FSH 1109.12, Directive System Handbook.

1122 - Directive Review and Clearance

Form FS-1100-2, Directive Processing Request, sets forth the sequence of clearances and approvals required for directive issuances. The clearance process outlined in this section and in form FS-1100-2 applies servicewide. See FSH 1109.12, section 24, for direction on additional clearance procedures for field units.

The clearance process establishes the line officer as the final approving authority for substantive directive issuances. The clearance process also integrates:

1. Requirements of Title 36, Code of Federal Regulations, part 216 (36 CFR part 216) for considering the need to provide public notice and comment on directives (FSM 1013); and requirements of 40 CFR parts 1500-1508 and 7 CFR 1b for compliance with the National Environmental Policy Act procedures (FSM 1950, FSH 1909.15);
2. Compliance with agency policy on information requirements (FSM 1390; FSH 1309.14); records management (FSM 6230; FSH 6209.14); forms and reports (FSM 1370; 1380; FSH 1309.14); Freedom of Information Act and Privacy Act (FSM 6270; FSH 6209.11); and the agency's mission, vision, and guiding principles (FSM 1020); and
3. Compliance with the master agreement between the Forest Service and the union for directives affecting working conditions.

See FSH 1109.12, chapter 20, for detailed instructions on directive clearance procedures.

1122.04 - Responsibility

1122.04a - Staff Director or Staff Officer

It is the responsibility of the staff director or staff officer to:

1. Provide early policy guidance in the development of a draft directive.
2. Obtain early involvement, necessary review, and concurrence of other affected staffs and line officers.
3. Make and document the public notice and comment determination pursuant to Title 36, Code of Federal Regulations, part 216 (36 CFR part 216) and submit the determination along with a draft directive to the directive manager.
4. Read a proposed directive prior to recommending its issuance.
5. Forward a proposed directive to the directive manager for review prior to line officer approval.

(For additional direction related to the responsibility of the staff director or staff officer at field units, see FSH 1109.12, secs. 23.3 and 24.)

1122.04b - Directive Manager

For additional direction related to the responsibility of field unit directives managers, see FSH 1109.12, sections 23.3 and 24. Prior to line officer approval, it is the responsibility of the directive manager to:

1. Review and analyze the draft and final directive for conformance to Directive System policy and standards, except as provided for interim directives in FSM 1122.21 and 1122.22.
2. Review the documented coordination with other affected staffs and identify any apparent gaps in such coordination.
3. Ensure the adequacy of the directive digest and posting information.
4. Establish the issuance date of each directive and issue the final directive to subordinate units.

1122.04c - Approving Line Officer

Upon receipt of a final directive, it is the responsibility of the approving line officer to:

1. Determine the need for review or consultation with other line officers.
2. Review the content of the proposed directive and, as a condition of approval, determine that:
 - a. The directive conforms to current management policy and direction.
 - b. The administrative requirements of the directive are the minimum necessary and do not impose an unreasonable administrative burden.

1122.1 - Amendments and Supplements

1122.11 - Washington Office

1. Authoring Staff. The authoring staff is responsible for obtaining the directive analyst's review of a draft amendment or supplement; revising the draft amendment or supplement accordingly; preparing and forwarding the final paper copy for any necessary staff concurrences; and sending the final electronic and paper copies to the directive analyst for review of the final directive.

2. Directive Manager. The Servicewide Directive Manager, Washington Office reviews draft amendments and supplements for compliance with Directive System standards and policy; returns the draft directives to the authoring staff to revise and to obtain any necessary staff concurrences; reviews the final directives for compliance with Directive System standards and policy; adds posting information (including the amendment or supplement number); forwards the directives to the line officer for approval; adds the issuance dates; and issues the directives.

1122.12 - Field Units

Field units may issue any necessary clearance procedures for field unit and amendments and supplements at this code.

1122.2 - Interim Directives

1122.21 - Washington Office

1. Authoring Staff. The authoring staff is responsible for obtaining the Directive Manager's analysis of a draft interim directive (ID); revising the ID accordingly; and preparing and forwarding the final paper copy for any necessary staff concurrences and for line officer approval. This includes making any changes or corrections required by the line officer. The authoring staff forwards the signed ID to the Directive Manager for issuance.

2. Directive Analyst. After the ID has been cleared by the concurring staffs and approved by the line officer, the directive analyst establishes the issuance and expiration dates, adds posting information to the ID, and issues the ID (FSM 1130).

3. Servicewide Directive Manager. The Servicewide Directive Manager, Office of Regulatory and Management Services, Washington Office, shall expedite review of interim directives (IDs), limiting review to coding structure and any major deficiencies in content or clarity, and making a determination of whether the direction is appropriate to an ID. The Servicewide Directive Manager does not certify that IDs comply with Directive System standards and policy. However, the Servicewide Directive Manager shall give written notice to the authoring staff and line officer if an ID does not meet the issuance requirements of FSM 1113.3.

1122.22 - Field Units

Field units may issue any necessary clearance procedures for field unit interim directives at this code.