



October 22, 2007

U.S. Forest Service Planning Rule Comments
P.O. Box 162969
Sacramento, CA 95816-2969

RE: Proposed Forest Service National Forest System Land Management Planning (36 CFR 219), 72 Federal Register pp. 48513-48541, August 23, 2007.

Dear Sir/Madam:

We appreciate the opportunity to comment on the Forest Service's proposed rule-making for its national forest planning process and the associated environmental analysis. Please accept these comments on behalf of the Society of American Foresters representing professional foresters from the academic, government, private, and not-for-profit sectors.

We would like to commend the agency for retaining a number of innovations in this most recent version of its planning rule. The emphasis on adaptive management, continuous feedback on plan development, the explicit description of monitoring and collaboration with the public, and the option to use a categorical exclusion are all steps toward a more efficient and modern planning process. It is particularly important to see the shift to a more nimble and responsive planning process that is reflected in the language of the Environmental Management System (EMS) and the ISO 14001 model that commits the agency to continuous improvement of its planning efforts, incorporation of corrective actions where needed, and an eye towards adaptation to changing conditions and information. This change in paradigm should serve the agency into the future far better than the static and somewhat petrified notion of forest plans and the associated NEPA documents that has prevailed for the last several decades.

We express our support with how the agency addressed the issues of significance that arose during the DEIS scoping process. We are confident that the preferred alternative addresses those concerns, though perhaps not in the precise manner in which various publics would see them addressed. Nonetheless, Alternative A is a scientifically and administratively reasonable approach to the difficult and complex question of planning for the management of 193 million acres of public land, and the SAF supports the agency's exercise of discretion in reaching its preferred alternative. We endorse Alternative A over Alternative D because the mandatory inclusion of the EMS process in the rule is valuable to ensure that plans are increasingly fluid and responsive, that concerned publics are assured that each national forest will have a set of objectives for which explicit treatment of success or failure in meeting those goals is available, and that the precepts of adaptive management are firmly ensconced within the agency in the event that management goals require revising.

We would supplement our original comments on the 2005 planning rule by offering the following specific comments on the DEIS, the proposed alternative, and the associated proposed rule:

§219.3(a) Nature of land management planning

Again, we commend the agency for directly highlighting the role that adaptive management should play in the planning process. We are hopeful that the principles of adaptive management can be used by the agency to move away from the concept of forest plans as static, with change only possible from one revision cycle to the next. Additionally, it is important that the strategic role of forest plans be reiterated, as the rule does, in that they do not approve or execute any particular action. Nor, as the DEIS explains, does the planning process have any “direct, indirect, or cumulative effects on the human environment.” By recognizing that the effects of proposed actions are best and most accurately assessed when projects are proposed on the landscape, this rule moves the agency away from premature, duplicative and often dubiously valuable analysis at the plan level.

§219.4 National Environmental Policy Act compliance

The SAF is strongly supportive of using categorical exclusions (“CE”) where suitable and appropriately documented to expedite land management activities and to eliminate repetitive or unnecessary environmental analysis. As such, we endorse the Forest Service allowance to categorically exclude plan approvals, amendments, or revisions. That said, however, it is unfortunate that a DEIS has been judicially required of the agency in order to utilize the planning rule and the planning CE. The SAF disagrees with the reasoning of the court in Citizens for Better Forestry et al v. USDA (N.D. CA), and recognizes the pragmatic reasons why the agency prepared this DEIS. Nonetheless, there is concern that this action may set precedent for arguing in the future that in addition to the environmental analyses underlying the development of a CE, an additional and redundant DEIS must be prepared to determine the effects of using that CE. This certainly defeats the intent of the CE, and further adds to the delays and the criticisms of process reigning over substance that are oft associated with the NEPA process.

§219.5 Environmental Management Systems

The SAF remains supportive of the Environmental Management System (EMS) approach, and likewise supports the Forest Service in its inclusion within the preferred alternative (Alternative A). The EMS process should better translate the philosophy of the NEPA into actions on the ground than would mere procedural compliance with the NEPA. In short, the EMS combined with a CE where appropriate is preferable to a lengthy planning EIS whose applicability to projects and the associated environmental impacts can be speculative. We would caution, however, that any new procedural requirement has the potential to inflict requirements that may be burdensome on field personnel and the EMS process should be closely monitored to avoid that potentiality. In that vein, the agency should also be cautious so as not to create a new procedural hurdle by which the agency’s proposed actions or forest plans might be subjected to judicial interpretation of what an EMS “should” look like at the forest level. The EMS

requirement should contribute to sound land stewardship and agency efficiency, not burden the agency or provide a new target for its detractors.

§219.7 Plan Amendment and Revision

The SAF remains concerned with how the rule describes the manner in which plan revisions will be triggered. In addition to the timeline established by the National Forest Management Act, the rule appears to provide the responsible official with unfettered discretion, without any accompanying description of what types of events would be representative of a revision rationale. We recognize the need for management flexibility in the face of uncertain events, and we do not suggest an exhaustive list of criteria. What we would urge is that some representative list be included to inform the public of the general type of events that might trigger a plan amendment or revision. This is particularly salient in light of the accompanying provision that precludes objections to the decisions of the responsible officials. While we agree that such decisions are not ones necessitating an objection process, in the interest of transparency and public information and trust, we nonetheless urge inclusion of representative criteria.

§219.9 Public Participation

The SAF supports the explicit and broad treatment of public participation and collaboration in the rule. We are particularly pleased to see the agency describe “open and meaningfully” in terms of the steps in which the public must be invited to play a role. While notions and techniques for collaboration are wide-ranging, the SAF recognizes the difficulty inherent in describing all of those various approaches in a administrative rule or DEIS.

§219.10 Sustainability

The agency is to be commended for ensuring that the preferred alternative continues to define sustainability in terms of social, economic, and ecological elements, none of which is described as trumping the others. This more accurately reflects the tenets of ecosystem management with its explicit recognition of the human dimension of natural systems and national forest management.

§219.11 Role of Science

The SAF remains concerned with the use of the term “best available science.” We would urge adoption of another term to describe the use of science in the planning process, or in the alternative consider defining the term in §219.16 *Definitions*.

§219.16 Definitions

The SAF continues to disagree with the agency definition of “adaptive management.” We would refer you to the definition within the *Dictionary of Forestry* (Helms 1998):

A dynamic approach to forest management in which the effects of treatments and decisions are continually monitored and used, along with research results, to modify management on a continuing basis to ensure that objectives are being met.

Or in the alternative, we support the definition proposed by the Forest Service in its ongoing NEPA rule-making at 72 Federal Register 45998-46009 (2007).

Once again, thank you for accepting these comments.

Respectfully,

A handwritten signature in black ink that reads "John P. McMahon". The signature is written in a cursive style with a large, looping initial "J".

John P. McMahon
President