Comments on
Proposed Planning Rule
for the National Forest System

submitted

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Introduction

I am Gene W. Wood, Ph.D., Professor Emeritus, Dept. of Forestry and Natural Resources, Clemson University, Clemson, SC. I served on faculties at Penn State University and Clemson University from 1967 to 2007. My academic and research background is in forest wildlife ecology and natural resource policy. I worked as a consultant to the forest products industry on listed species – timber conflicts from 1988 to 1998. I worked in university extension part time at Clemson University specializing in recreational horse trails from 1995 to 2007. I continue trails work as a consultant with my company Windwalker Horse Trails, Inc., Seneca, SC doing projects on federal, state and private lands. My website, Equestrian Trails and Conservation Awareness, can be accessed at www.ETACA.info. I can be contacted by U. S. Mail at 520 Windwalker Lane, Seneca, SC 29678; cell phone 864/650-1742; e-mail gwwindwalker@gmail.com.

I am sincerely grateful for the opportunity to comment on the Proposed Rule and the Forest Service's efforts to appropriately inform the citizens of the nation as to what it intends to do.

My comments are as follows:

General

I applaud the Forest Service for developing the currently proposed Planning Rule as one of the best documents of its kind produced by the Forest Service in recent decades. The Proposed Rule sets lofty goals for the National Forest System (NFS), and with intelligence and commonsense offers adaptive management as the framework for the pursuit of those goals.

I applaud the Forest Service for an excellent attempt to make more efficient and effective the planning process as required by the National Environmental Policy Act (NEPA) and the National Forest Management Act of 1976 (NFMA). However, I am not convinced that there has been an adequate reduction in the bureaucracy of planning and document production. Furthermore, while I strongly embrace the adaptive management framework, it is not clear how the agency intends to budget for this process in funds, personnel and time. In short, while I am conceptually in strong support of most of what the Forest Service says it will do, but I have strong reservations that it can do all that it promises in the Proposed rule.

Finally, in my opinion, the Forest Service has done an inadequate job in this document of clearly explaining the statutory mandates with which is has no option in compliance. The majority of citizens do not understand this lack of option on the part of the Forest Service thus the agency ends up spending a great deal of time trying to explain that it is only complying with the law in many situations. This is an important place to make plain what legal requirements you are placing on yourself and those that were placed on you by acts of Congress or, in some cases, state law.

Specific Comments

§ 219.1

General Comment

This section is clearly written and proposes appropriately lofty goals for the planning rule to give direction and guidance to management of units of the NFS.

However, FR 76(30): 8483 col. 3 para. 3 raises a question that is apparent throughout the document: "… so that plans and their amendments reflect public values and the best available scientific information." Are these two considerations equal in weight when decisions are being made? Clearly, the community of scientists represents the "best available science," although there is commonly disagreement among scientists. It appears that the FS will expect disagreements among scientists ultimately to be resolved by the judicial system. Given the recent history of the judicial process in resolving disagreements among scientists, is this a reasonable expectation if it is hoped that the "best" science will prevail? As formal training in science within the FS declines, who within the agency will make decisions about "best" science?

And, finally, who will represent "public values?" Traditionally, these values have been ostensibly represented by non-government organizations (NGOs) that represented themselves and offered their values as being for the public good.

The FS has done an excellent job of articulating the best of intentions for the planning process, but it does not appear that the process for obtaining information on public values from the general citizenry and the best science from the scientific community has been improved over what we have suffered through for the past three decades.

The introduction of landscape-level planning, adaptive management concepts, and (e. g., insects and diseases) considerations of physical environment (e.g., climate change) and biological stressors is very good, but is inadequate in elaboration on what this stuff means.

In addition, the term "resilient ecosystem" is used here which sounds good, but could not be defined by even 1% of the public. The term "resilience" is fairly new as a common term in natural resource science literature. In fact, it may or may not be compatible with common visions of ecosystem restoration, yet these terms are often

used in the same sentence throughout the proposed rule. There will be substantial discussion among scientists over the definition of resilience in § 219.19 as this definition envisions it as the capacity for a system to be completely restored to a previous condition. This concept requires the recovery of all species previously present (as in same "identity"). Resilience refers to the restoration of biological productivity. These points need to be revisited. Restoration to a previous condition may not be within management capability, particularly when the abiotic environment has changed. <u>Do not promise what you may not be able to deliver.</u>

Specific Comments

§ 219.1 (c): This is a directive to manage for 18 values for the present and the future. It appears that the primary value is "ecological sustainability." However, there is no expression of the reality of priority conflicts among these values (e.g., "capacity to provide people and communities with a range of social, economic and ecological benefits"). Too much is being inferred here. The inference seems to be a promises that can not be kept. Clearly the Forest Reserves established in 1891 and the National Forests that followed in 1905 were for resource protection. The Weeks Act of 1911 made possible the National Forests of the East for the same reasons. <u>Why are you side-stepping the primacy of natural resource protection?</u>

§ 219.1 (g): Federal statutes covering natural resource protection and with which the FS is mandated to comply are well covered here. However, NEPA as a statute regulating all federal proposals for actions that might affect the human environment is conspicuously missing as are the federal statues applying to protection of cultural resources on all federal lands, such as the National Historic Preservation Act of 1966, National Archeological and Historic Preservation Act of 1974, and the Archeological Resources Preservation Act of 1979 as well as the mandate for all federal agencies to coordinate with the State Historic Preservation Office regarding federal land management activities in each state. Also see Proposed Rule § 219.10(b)(1)(ii).

§ 219.2

General Comments

The three-level approach to planning is well explained and should be clear to almost every reader. The FS was wise not to take unit plans to a scale more refined than the unit. To have done so would have only exacerbated the problems of the past in getting a plan done before the forest conditions change and the information on which the plan is based becomes antiquated.

Having the unit supervisor as the "responsible official" is an excellent proposal as it eliminates one of the steps in the appeals process and keeps discussions of differences among parties focused.

Specific Comments

§ 219.2(b)(2): "A plan does not authorize projects or activities or commit the Forest Service to take action." I really like this wording as it *might* eliminate the need for an EIS for a unit plan for what will be done at the unit level but is non-committal in time and space for an on-the-ground action. If the NEPA process can be avoided at this point, obviously huge savings in time and money will be achieved with no sacrifice of environmental protection. I have always been amazed that while a listed species recovery plan does not trigger NEPA until it begins to be implemented, a forest plan, which is conceptually the same as a recovery plan, requires an Environmental Impact Statement (EIS).

§ 219.3

General Comments

This section is inadequate in its description of how science will be used in the decision making process, and how scientific information will be weighted relative to other considerations. At this point, it seems the weighting of science relative to other considerations will be at the discretion of the responsible official. There needs to be more guidance for the responsible official. Failure to give the responsible official regulations to which he/she can refer is sure to open up the appeals process.

Specific Comments

§ 219.3(c): Surely the plan itself will describe how the science was obtained, evaluated and weighted in the decision making process. Why must this be reiterated in the decision document? This requirement seems to be a waste of time and money.

§ 219.4

General Comments

This section is well written and appropriately inclusive. It recognizes all of the requirements of NEPA and insures the participation of and collaboration with other federal and state agencies and recognized tribes as well as the general citizenry.

I really liked the statement at FR 76(30):8486 col.1 para. 3 stating that while all public, agency and tribal participation and collaboration commitments will be met "… the Forest Service would retain final decisionmaking authority and responsibility throughout the planning process." FINALLY, YOU ARE STANDING UP FOR YOURSELF!

§ 219.5

General Comments

As an intelligent, commonsense framework for planning this should be rated *magnum cum laude*. Identifying this approach as adaptive management in the passive mode with intervention, explaining why it is commonsense, and how you expect to get this work done on the ground rates a "D" at best. You use the term "adaptive management" throughout this document, but fail to justify it at your first opportunity in this section. Furthermore, you fail to define adaptive management in § 219.19. As the whole planning process is totally under the cloak of adaptive management with citizen-manager-scientist collaboration and the cyclic feedback loop of assessment-planning-implementation-monitoring and new science, why have you failed so badly in explaining to the nation adaptive management in the passive mode with intervention as the new paradigm for management of the NFS? Please

revisit this section and prepare the people, the Congress and the courts for what is to come.

I highly applaud your efforts to make plan amendments a more routine process as this is critical to the adaptive management process

While I dream of the day when true adaptive management is in place on the NFS, I worry about the affordability of the process. Monitoring and assessment of ecological, social and economic conditions will not be cheap in either time or money. With no reason to expect significant improvements in levels of staffing or in budget allocations in the foreseeable future, how will this stuff get done? I encourage you to make some statements about budget constraints and about organization of volunteer efforts to get much of this work accomplished.

§ 219.6

General Comments

The assessment process is, of course, critical to the adaptive management approach. However, it appears that a very large amount of effort is going to be expended in preparation of the assessment document. The costs in time and personnel when the regional office becomes involved is likely to be enormous not to mention delays in task completion that are inherent to projects with multiple administrative level involvement. This needs to be simplified or the time that it takes to make a management change based on an assessment is going to put the NFS almost back to where it has been with respect to efficient and effective change in response to ecosystem or ecosystem value changes or the accumulation of new information. This is contrary to the statement regarding the rapidity of the process in FR 76(30):8488, col.1, para. 3.

The assessment process seems to take on a life of its own. Considerable devotion of personnel and funds will have to be devoted to this process. As it is explained that the assessment will be a document separate from the documents for plan

amendments or revision there is a great risk that the FS is going to fall back into a trap that requires most of its personnel to be assessing and planning. Given such a situation, who will do the implementation?

Assessments should be combined with proposed amendments (as justification for plan amendment) or in proposed plan revisions as the need for revision as one document for the sake of efficiency and effectiveness.

Specific Comments

FR 76(30):8488, col. 1, para. 4 explains that a plan amendment is based on a documented need for change but does not require an amendment. § 219.6(c) is entitled "Plan Amendment Assessments." It explains in para. 1 that an assessment is used at the discretion of the responsible official. The confusion here should be obvious and can be clarified largely by changing the sub-section title.

§ 219.7

General Comments

This section is well written and clear. I particularly liked the definitions separating "standards" and "guidelines". In the past, FS personnel have frequently interchangeably used these terms. Explanations of required components and other requirements are good.

§ 219.8

General Comments

"Ecological sustainability" should either be defined here or in § 219.19. Time scales need to be part of that definition. (The term "Generations", while probably politically correct, is nebulous in this context.)

It also needs to be pointed out that sustainability can be affected by stressors with varying levels of frequency and intensity of effect and over which the agency has little or no control. In addition, ecosystem components and processes with the

highest priorities for sustainable management differ widely among the citizens who will be influencing decision making.

<u>If it is true that where there is a conflict between ecological sustainability and social and economic sustainability, ecological sustainability will take precedent over the others, then that should be clearly stated here.</u>

<u>§ 219.9</u>

General Comments

Biodiversity is the array of ecosystem biotic components and processes embedded in their abiotic environment. (Should be defined in § 219.19.) While NFMA requires that management not allow any decline in biodiversity on NFS lands, we have learned since 1976 that there are many abiotic changes that are not caused by management practices and which can not be reversed by management, e.g. climate change in the abiotic environment. In addition, numerous insect and disease epidemics were not precipitated by management and can not neutralized by management. The same can be said about many catastrophic meteorological and geological activity events. Biodiversity will inevitably change and changes maybe in either a positive or negative direction. The main thing that the manager can do is try to insure that management practices do not cause change in a negative direction. Of the alpha-, beta- and gama- levels of diversity, the NFS land managers primarily affect the first two. It is only in the West that they might have significant impact at the true landscape level.

"Connectivity" at the landscape level is not manageable by NFS land managers over most of the nation as fragmentation by type of ownership is prohibitive.

Specific Comments

§ 219.9(b)(1) and (2): It should be made clear here that the FS has no option b ut to act as the ESA specifically mandates all possible contributions to recovery of listed

species on all federal lands and protection of all candidate species. The FS is also required to protect state-listed species in the states having listed those species.

§ 219.10

General Comment

Well written and appropriately inclusive. I suggest that something to the effect of "in keeping with MUSYA 1960" be inserted near the top of this section.

§ 219.11

General Comments

This appears to be largely another presentation of what already exists in NFMA, but it is also appropriate here. The descriptions of "suitability" and "compatibility" are important and well done.

§ 219.12

General Comments

Given my strong embrace of adaptive management in the passive mode with intervention and monitoring as a critical component of that strategy, I could not support more strongly the concept as it is laid out here. However, monitoring is a very demanding process, especially across the spectrum of scales proposed here and the efforts that are to be put into "focal species." <u>How do you propose to get this done after you obligate yourself to it?</u> <u>There needs to be some points made about budget funds, personnel and volunteer programs needed to accomplish these tasks.</u>

I must say that I was not very impressed with the explanation of the logic for moving from management indicator species (MIS) to focal species as indicators of changing conditions, although I was never really that impressed with the MIS approach. Except for a very few species that are relatively easy to monitor (e. g., red-cockaded woodpeckers and spotted owls) there will be so much noise in these

data that good interpretation will be problematical. A better approach might be to monitor "guilds" of species and maybe refine that with diversity within guilds.

§ 219.13

General Comments

I strongly applaud your attempts to move to a more efficient and effective way to make changes in plans that are truly responsive to ecosystem changes within a reasonable timeframe. I think that you have moved in the right direction by attempting to maximize the use of the amendment process. However, I remain deeply concerned about the requirement to produce the assessment as a separate document for new plans and plan revisions. By the time the document is produced, distributed and discussed, the plan revision or amendment (if assessment is used) will already be well behind the need for a management response to the ecosystem change.

§ 219.14

General Comments

I do not at all like the outline for the Decision Document. This is largely a reiteration of what is already in the plan or plan revision. This is simply more bureaucratic red tape and in abundance. The decision document needs to simply confirm that the plan revision or plan has met all requirements of the Planning Rule and state how that confirmation was made. Appropriate documentation that will standup in court is, of course, important. However, over-kill in documentation is simply a waste of time and critically short funds – a deadly sin from which the FS seems unable to extract itself.

§219.52 - § 219.50

I certainly applaud the efforts in this section to make the objection process more efficient and effective. It should eliminate much of the "game playing" by those who want to thwart whatever the FS proposes. These requirements are clearly stated, fair and appropriate.

In Conclusion

I applaud with great enthusiasm the Forest Service's attempt to make planning for management of the NFS more efficient and effective. I could not embrace more strongly the move to adaptive management in the passive mode with intervention. However, I do not see the Proposed Rule as a perfect document. In my opinion certain changes need to be made now. Undoubtedly, the Rule will also have to be revisited from time to time in the future, but such a process needs to be get to a minimum.

I appreciate the opportunity to make input into considerations for revisions of the Proposed Rule. If at any time I can be of assistance to the Forest Service, I would be honored by opportunity to join the efforts of "Caring for the land and serving people."