Federal Regulation Review

- NEPA – National Environmental Policy Act
- FLPMA – Federal Land Policy Management Act
- NFMA – National Forest Management Act
Conservation Movement – end of the 19th Century
- Establishment of the Public Lands

Environmental Movement – Post World War II
- 1960’s– 1970’s : Largest number of environmental laws passed in US History
Conservation in the 1800’s

- 1860’s – National Concern over Western Public Lands – Trans-Continental Railroad and the Homestead Acts.
- During the 1800’s one half of the Nation would be transferred into private ownership.
- In all, about 1.1 billion acres were transferred.
- 1976, Federal Land Policy Management Act
  - Statement of policy to retain remaining lands in Federal ownership.
Concerns over Abuse of Resources

- Realization that natural resources are finite
The Forest Reserves were established in 1891
Environmental Movement

- Post World War II
- Increase in Industrialization
- Rapid increase in population
- Rapid demand for goods and services produced from natural resources
Cuyahoga River Fires
1952
Clearcutting
AIR POLLUTION – HOUSTON, TEXAS
Santa Barbara Oil Spill
1960’s and 70’s
Many new environmental laws were created

- Multiple Use Sustained Yield Act
- National Environmental Policy Act
- Clean Air Act
- Clean Water Act
- Endangered Species Act
- Wild and Scenic Rivers Act
- Wilderness Act
- Federal Land Policy Management Act
- National Forest Management Act
1976 National Forest Management Act

- Amended the 1974 RPA.
- Preparation of “one integrated plan” for each Forest Service unit.
- Amended as needed, revised no later than every 15 years.
- Plans must “provide for multiple use and sustained yield of products and services” consistent with 1960 Multiple Use Sustained Yield Act.
NFMA Required Regulations (Rule)

- The law required regulations to be written (36 CFR 219).
- Developed by a Committee of Scientists.
- Incorporate specific guidelines on timber harvest.
- Consider economic and environmental aspects of various systems of renewable resource management.
- Insure research based on continuous monitoring and assessment.
- Provide for diversity of plant and animal communities.
History of Regulations

- NFMA passed in 1976.
- First regulations in 1979 (never used).
- Rewritten in 1982 by Reagan administration. (Wilderness review requirements added in 1982.)
- Original plans developed between 1983 and 1993.
- First revisions from 1996 to present.
Forest Service Land Management Plans

- 127 Land Management Plans covering 155 Forests and 20 Grasslands.
- 68 Plans past due for revision.
National Forest System
A Forest Plan

- Provides Broad Strategic Direction.
- Does Not Authorize any Action or Compel any Use.
- Instead, it Guides Future Decisions for Projects (Like a timber sale) or Activities (Like Travel Management).
Forest Plan

- Goals, Objectives, Desired Conditions.
- Standards and Guidelines.
- Suitability for Uses (Required for Timber.)
- The above can be applied Forest-wide or for a Management Area or Geographic Area.
- Decision also has Special Area recommendations.
- Other plan content (changeable without amendment):
  - Roles and Contributions,
  - Management Approaches,
  - Priority Watersheds, Proposed/Possible
Bighorn Management Areas
Pole Mountain Geographic Area
Layers of Decision Making

- National Forest Management Act
- USFS Planning Rule
- Land Management Plans (Forests/Grasslands)
- Project or Activity Decision (Travel Management, Oil and Gas Leasing, Fire Management Plans, Range Allotments, Timber Sales, Ski Area Plans, Wilderness Plans)
Reforming the Rule (continued)

- 2007 – Rule struck down because no EIS written for the rule.
- 2008 – Rule re-released with a basic EIS that says that plans don’t have any direct effects.
- 2009 – Rule struck down because of an inadequate EIS.
New Management Concerns – 2000s

- Maintenance and Restoration of Watershed Health.
- Resilience of ecosystems to climate change and a variety of threats.
- Changing patterns of recreation use – particularly motorized use.
- Collaboration across “all-lands”.
New Planning Rule and Directives

- Planning Directives published with a Federal Register notice on February 6, 2015.
Purpose and Need for the 2012 Planning Rule

1. Restoration of natural resources; protect water resources, and improve forest health.
2. Contribute to ecological, social, and economic sustainability.
3. Be consistent with NFMA and MUSYA.
4. Be consistent with Federal policy on the use of scientific information.
5. Provide a transparent collaborative process that allows for effective public participation.
6. Coordinate with State and local governments and with other Federal agencies and tribes.
The Planning Process

Implement
Develop work plans, timelines and budgets to achieve desired conditions

Monitor
- Track plan implementation
- Develop indicators for objectives and desired conditions
- Engage partners
- Report monitoring results

Revise
- Engage partners
- Adjust annual work plans as allowed
- Develop plan revision or amendment as necessary

Assess
- Engage partners
- Assess current conditions and trends
- Examine monitoring results
- Develop need for change as necessary
Forest Plan Revision Process

1. Assess Current and Possible Conditions
2. Propose Plan Changes
3. Complete NEPA Process: Alternatives, DEIS, Comments, FEIS
4. Address Objections (if any) and Make Decision
5. Evaluate Monitoring Questions and Indicators
6. Invite Participation on Assessment
7. Invite Participation on Proposal
8. Provide NEPA Public Participation
9. Meet with Objectors (if any)
10. Coordinate Monitoring Activities
NEPA and Planning

1. Notice To Start the Assessment
   - Engage Public
   - Contact Potential Cooperating Agencies & Tribes
   - Identify Existing Conditions & Trends

2. Notice To Start Plan Development
   - Need for Change
   - Develop Proposed Plan

3. Notice of Availability 90 Day public comment

4. Notice To Start Objections Process
   - Reviewing Official Responds to Objections

5. Notice of Plan Approval

NEPA

Initiating NEPA
- Purpose & Need
- Cooperating Agency List
- Scoping/Public Participation

EIS Development**
- Identify Significant Issues & Alternatives
- Modify Proposed Plan
- Describe Affected Environment & Environmental Effects

Draft EIS
- Draft EIS

Final EIS
- Final EIS

Record of Decision
- Notice of Plan Approval

Land Management Planning Process
- NEPA Process
- Federal Notice
- Intersection of Planning and the National Environmental Policy Act (NEPA)

* This notice can happen at any time before or during the initiation of NEPA

** Generally, an environmental impact statement (EIS) is required for plan revisions or amendments. However, with some amendments, only an environmental assessment (EA) will be necessary. EAs have different (shorter) timelines.
Objections Process

1. Notice of a Plan Subject to Objection
2. Objection Filing Period Closes 60 Days (EIS)
3. Objections Resolution
4. Written Response
5. Issue Plan Decision

- **90 Days** (may be extended by reviewing officer)
- Forest Service publishes & post notice of objections field
- Reviewing officer meets with objectors and interested persons
- Responsible Official issues decisions after the reviewing officer's written response, as long as the decision is consistent with the response

- **10 Days**
- Forest Service accepts request to participate from interested persons
Forest Planning is a key point of engagement for county governments

- Forest Plans set priorities for management, allocate resources, and make recommendations for special areas.
- They are on a 15-year revision cycle.
- Counties must have an active role in their development and revisions.
- New requirements for Forest Service to Cooperate and Coordinate with Counties
Coordination Requirements for Forest Planning

- Forest Service has added direction for Coordinating with Counties.
- The new planning rule recognizes the desire by counties to have goals and objectives in their local plans considered.
Coordinating Forest Service planning efforts with the planning efforts of State, Counties, and other Federal agencies.

For Forest Planning efforts, review land use policies of Federal, State, local, and tribal governments for:

- Consideration of local objectives
- Compatibility of these plans and policies
- Opportunities for the Forest Plan to address impacts identified
- Opportunities to resolve or reduce conflicts