

RULES and REGULATIONS

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 219

National Forest System Land and Resource Management Planning

Thursday, September 30, 1982

*43026 AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: In March 1981, the Presidential Task Force on Regulatory Relief identified as a high priority for review the rule which guides land and resource management planning in the National Forest System. As a result of that review, the Department of Agriculture is issuing final revised regulations. These rules require an integration of planning for National Forests and Grasslands, including the planning for timber, range, fish and wildlife, water, wilderness, and recreation resources, together with resource protection activities, such as fire management, and the use of other resources, such as minerals.

EFFECTIVE DATE: November 1, 1982.

ADDRESSES: Comments or questions on these final rules may be addressed to: Chief, Forest Service, USDA, P.O. Box 2417 (1920), Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Charles R. Hartgraves, Director, Land Management Planning, 202/447 -6697.

SUPPLEMENTARY INFORMATION: The Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) (88 Stat. 476, et seq.), as amended by the National Forest Management Act of 1976 (NFMA) (90 Stat. 2949, et seq.; [16 U.S.C. 1601-1614](#)), specifies that an interdisciplinary approach will be used in land and resource management planning for the National Forest System and that there will be a periodic review of the planning process, followed by any necessary amendments to keep it current with statutory requirements. These statutes also provide for the establishment and revision of national, regional, and local resource goals and objectives based on a periodic assessment of the future supply and demand of renewable resources from public and private forest and range lands. Achievement of these goals and objectives is the purpose of the planning process provided in these regulations. These acts also require public participation in the development, review, and revision of land and resource management plans and the coordination of such plans with State and local units of government and other Federal agencies.

These regulations apply to all land and resource management plans developed hereafter for the National Forest System. By October 1985, plans required by these regulations should be developed for all National Forest System lands.

Introduction

In March 1981, the Presidential Task Force on Regulatory Relief identified as a high priority for review the rule which guides land and resource management planning

on the National Forest System. As a result of this review, the Secretary proposed changes in the existing rule to streamline the land management planning process and better direct the process towards the desired result of maximizing net public benefits from National Forest System lands. The proposed rule was published on pages 7678-7696 of the Federal Register of February 22, 1982.

Analysis of Public Comment

The proposed revision of the planning regulations generated substantial public interest. In response, the Department extended the public comment period from April 23, 1982, until July 6, 1982, and announced a meeting of a panel of consultants (consisting of members of the former Committee of Scientists), June 30-July 2, to discuss and consider major topics emerging from comments on the proposed rule ([47 FR 24348](#)). The meeting was open to the public. Many of the revisions to the final rule reflect the recommendations of the panel.

A total of 2,020 responses were received on the proposed rules. Of the responses received, 88 percent were from individual citizens; 2 percent from government agencies; 1 percent from industry; and 5 percent from environmental groups. In addition, inquiries from members of Congress were received.

The majority of the comments were general in nature, addressing broad issues. About 8 percent of the responses contained substantive recommendations for particular sections of the regulations.

Most respondents viewed the proposed revisions as much more than "streamlining." When viewed as a whole, the revisions represented to most of those who wrote, an "upsetting" of a carefully developed balance between *43027 environmental and industrial interests. While some respondents acknowledged that the revisions represented some improvements, e.g., organizational changes, most felt that the substantive changes favored commodity output at the expense of multiple-use management. Language that had been deleted as "unnecessary" apparently had great symbolic meaning to many people. The concern, in short, was that, in the Department's desire to expedite planning and shorten the existing regulations, the basic purpose of the Forest and Rangeland Renewable Resources Planning Act and the National Forest Management Act of 1976, may have been compromised.

In addition, numerous reviewers stated that there is presently no basis (such as completed plans) on which to evaluate any possible shortcomings of the existing regulations. Approximately 60 percent of respondents specifically requested that the Forest Service implement the existing regulations and not "change direction in mid-stream."

A few respondents supported the decision to revise the regulation, agreeing that they resulted in improved clarity and procedures. Some felt the proposed changes were necessary and that the Forest Service revisions were consistent with Executive Order 12291.

The greatest interest was expressed in [§ 219.13](#) Forest Planning Integration Requirements. The majority of the comments related to the revisions of provisions on departure from the nondeclining yield timber harvest policy and to wildlife. Public participation was also a subject which received a great deal of attention.

All suggestions and comments have been reviewed, analyzed, and considered in preparation of the regulations.

Responses are available for review at the office of Land Management Planning,

Forest Service, U.S. Department of Agriculture, 14th and Independence Avenue SW., Room 4021, South Building, Washington, D.C. 20013. The following summarizes the major comments and suggestions received on the proposed revision of 36 CFR Part 219 and the Department's response to these comments in the final rule. Comments are keyed to the section numbers and headings of the proposed rule document.

Section 219.1 Purpose

Summary of Major Comments: Many respondents strongly objected to the deletion of the 14 planning principles on the basis that these are important statements of policy which serve as philosophical guides for managing the National Forest System. There was a general uneasiness that the National Forests would no longer be considered ecosystems. Respondents viewed the principles as emphasizing the intent of the Congress in enacting the 1976 Act--that management of the National Forests consider all resources--both marketable and nonmarketable.

Many felt the newly introduced term, "net public benefits," threatened overemphasis on development of marketable resources. It was argued that "maximization of net public benefits" is a misleading term and open to several interpretations.

There were several respondents who stated that the maximization of net public benefits and economic efficiency should be the driving force behind forest planning. However, even some of these comments called for a more quantitative definition of net public benefits.

Response: In the final rule, the 14 planning principles have been reinstated, and the relationship between achieving multiple-use goals and maximizing net public benefits has been restated more clearly. The meaning and use of the term "net public benefits" was misinterpreted by many reviewers as being largely synonymous with "present net value," even though the definitions in § 219.3 clearly indicate that such is not the case. Net public benefits include all outputs and effects. The concept includes both positive and negative values that cannot be quantitatively valued and therefore require the decisionmaker to subjectively balance such benefits or costs with each other and with those that can be quantified. The goal of "maximizing net public benefits" restates direction given to Gifford Pinchot by the Secretary of Agriculture upon the establishment of the Forest Service. That direction was, in part, "* * * where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run. * * *" This goal, expressed in either form, is fully consistent with the language and intent of the Multiple Use-Sustained Yield Act. The definition of net public benefits in § 219.3 has been changed to more clearly describe the concept intended.

Section 219.2 Scope and Applicability

There were very few comments on this section. For clarification, specific language has been added concerning special area authorities.

Section 219.3 Definitions and Terminology

Summary of Major Comments: Removal of the term "integrated pest management" in the proposed rule was interpreted by many as elimination of the concept itself. The perceived omission of the technical concept of integrated pest management as the operating principle for dealing with insects and other pest problems was seen as an error on the part of the Forest Service.

Some respondents viewed the maximization of net public benefits and economic

efficiency as rightfully being the driving force behind forest planning and as central to Forest Service management objectives and planning. However, some felt that the definition lacked substance and was ambiguous. It was requested that the reference to qualitative measures be removed and a more quantitative definition be developed. Some asked for a definition of both qualitative and quantitative criteria. Some recommended a much clearer and precise definition be developed, based on accepted economic principles, which would include specific criteria for using the measure.

As a decision criteria, some said maximizing net public benefits represented replacement of congressional intent with an Executive branch criterion and would, therefore, be inappropriate. Some said the vague definition would make evaluation of alternatives difficult. Some felt that the process proposed for maximizing net public benefits in forest planning violates the multiple use mandate by exalting the values attributable to commodity resources while largely ignoring values of resources not easily priced. Several respondents pointed out that as defined "maximization of net public benefits" is indeterminate and is, therefore, not a good criterion for evaluating alternatives.

The proposed regulations defined "multiple use" as the management of all renewable surface resources in the National Forest System. Therefore, it was recommended that the "multiple use" definition be revised to reflect the one in the Federal Land Policy and Management Act of 1976, which includes both renewable and nonrenewable resources. Some recommended that the definitions in [§ 219.3](#) be expanded to include both renewable and nonrenewable resources. It was suggested nonrenewable resources should include crude oil, natural gas, geothermal resources, carbon dioxide, and other nonrenewable minerals.

Several respondents suggested changes in the published definitions of such terms as "cost efficiency," "biological growth potential," "even*43028 -aged system," "silvicultural systems," "present net value," "real dollar value," "receipt shares," "corridor," "diversity," "goods and services." Several others suggested definitions be included for previously undefined terms, such as "management area," "economic impacts," and "demand."

Response: The Department reexamined the "Definitions" section in light of public comment and a number of changes have been incorporated in the final rule.

1. All suggested changes and additions that seemed to clarify the intended meanings were adopted.
2. Definitions were added for "forest land," "planning period," "planning horizon," and "integrated pest management."
3. The following terms were redefined to improve clarity: "management concern," and "net public benefits." In the final rule, "net public benefits" has been redefined to more clearly reflect the intent to consider both tangible and intangible benefits and costs and to more clearly identify the term as a concept rather than as a quantitative index that can be objectively applied.
4. Minor changes in wording were made to the following terms: "allowable sale quantity," "sale schedule," "timber production."
5. The term "public participation activities" was dropped from the definition section and included with text in [§ 219.6](#), because it was not truly a definition but rather a listing of activities included.

6. The terms "even-aged system" and "uneven-aged system" were changed to "even-aged management" and "uneven-aged management," and those terms, as well as "silvicultural system," were redefined to bring them into agreement with the terminology jointly accepted by the Society of American Foresters and the Forest Service.

7. Requests to define additional terms which are used in the sense of their standard dictionary meanings have not been honored in the final rule.

8. The final rule retains the current definition for "multiple use" since it is a direct quote from the Multiple Use-Sustained Yield Act that directs Forest Service management of the National Forest System.

Section 219.4 Planning Levels

Summary of Major Comments: Most of the comments received on this section related to the regional planning level.

Some stated that the existing language in this section is superior to that of the proposed rule, as it requires planning that meets clearly delineated objectives, with provisions for controlled changes in objectives if the planning analysis shows changes are needed. The proposed language, they felt, promoted planning without objectives.

Many of the comments stated that the regional plan should do more than provide guidance for resolving regional issues; it should actively resolve regional public issues and management concerns and give specific direction to National Forests.

Some thought the regional plan should do more than convey direction and information. Since the regional plan is not required by statute, some reviewers stated that the revision process presented an opportunity to more broadly develop the regional plan's purpose.

It was also suggested that regional plans be eliminated and the functions now assigned regional planning be accomplished through another mechanism.

There were numerous comments that the proposed revision promoted "top-down" planning. Some said the proposals violate congressional intent to emphasize planning based on local information. They argued that the existing regulations require an evaluation of national targets, while the proposed regulations would not allow the Forest Supervisor the option to request adjustments based on local supply and demand, community stability, or potential environmental effects.

Response: In revising this section and §§ 219.8 and 219.9 of the final rule, the Forest Service considered the following factors:

1. The flexibility each Region has to match up the forest plans with the firm program targets established for the Region by the RPA Program is quite limited. Regional planning is essentially program planning rather than land management planning.

2. The process outlined by NFMA for forest planning implies a much broader decision base and different types of decisions than is necessary for regional planning. Efforts to use the same process for regional planning show that at best it is an inefficient use of planning resources and risks misleading the public into expecting more from the regional plans than either could or should be delivered. Therefore, the regional planning process was tailored to more closely portray the kinds of

decisions and the flow of information pertinent to that level. The changes made in regional planning in the final rule also ensure close integration of the land and resource management planning process with the RPA Program development.

3. The structure and relationships of multi-level planning must recognize the different roles appropriate to each planning level. The Forest Service has started work on the 1985 RPA Program update. The analysis for this update is to be based in part on data generated in the forest planning process, and it will constitute the development phase of the next round of regional planning. This process is an iterative one, both during each round of planning, and between rounds. In this manner each Forest's capabilities and needs are reflected in the National RPA Program. There should be no misunderstanding, however, of the preeminent role of the President's Statement or Policy and the RPA Program upon which the statement is based. That role is firmly established by the Renewable Resources Planning Act.

As a result of comments received, and in consideration of the foregoing factors, the name of the regional planning document has been changed to Regional Guide to more clearly reflect the intent of that document. Statements have been added to both the regional and forest planning subsections that provide for adjustment of the resource objective tentatively assigned to each unit, and the Chief has been identified as having approval responsibility for the Regional Guides. Editorial changes were made to clarify intent and to remove some material that duplicated requirements treated in later sections.

The suggestion that the regional plan be made a more comprehensive document that would resolve all regional issues and concerns has not been incorporated in the final rule. The most urgent need and primary utility of a regional document at this time and in the context of NFMA planning is to facilitate development of forest plans. Direction necessary to resolve regional issues or concerns that do not directly affect forest planning can more properly be addressed through the normal Forest Service directive system.

Section 219.5 Interdisciplinary Approach

Summary of Major Comments: Identification of the interdisciplinary planning team's functions and personal attributes was broadly viewed as necessary to the effectiveness of the team effort.

The proposed regulations were seen as moving away from true interdisciplinary planning because the responsible official would be allowed to use whatever "combination of Forest Service staff" needed to achieve an interdisciplinary approach. In contrast, some felt the regulations should require certain specific disciplines and *43029 qualifications. Concern was also expressed that expertise about subsurface resources should be required in the interdisciplinary process, that, for example, a geologist should be added to the team. Some requested that economists be included on the interdisciplinary team because of increased economic attention. Minority opinion was received that § 219.5 was too specific. This view was based on the belief that planning needs vary among Forests and, therefore, more general direction would be more effective.

Overall, though, it was the general consensus of reviewers that the proposed revisions weakened the regulations and moved away from multiple-use planning.

Response: To respond to the majority of comments, most of the language of the current regulations is being retained in the final regulations. Minor editorial changes were made for clarity.

Section 219.6 Public Participation

Summary of Major Comments: About 45 percent of the respondents addressed this section. The majority opinion held that public participation would become more difficult under the proposed revisions.

The proposed changes in public participation were generally seen as weakening public involvement in the total planning process and resulting in less frequent and less effective public participation.

Also, the proposed regulations were viewed by many as a premise for allowing planners to arbitrarily withhold requested information by claiming the request to be "unreasonably" burdensome.

To many, the cumulative changes in the public participation provision gave the appearance of undermining the public participation process. The specific requirements of the existing regulations had been seen by many reviewers as standards for public participation activities.

General response to the newly proposed 30- and 60-day limitations for public participation activities was favorable. However, the specifics of how the public would be notified of activities (for example, in the Federal Register) was requested.

Some people felt the proposed changes in this section were, in general very good.

Response: In the final rule, the Department has honored the majority of requests by reinstating most of the language of the current regulations and eliminating § 219.6(d) of the proposed rule. Subsection 219.6(f) of the current regulations has been deleted because that subsection was essentially redundant. A new subsection § 219.6(k) which was codified at § 219.7(d) of the February 22 proposed rule has been added. This move was made because § 219.7 is focused on coordination of planning efforts of other public agencies as opposed to participation by individuals.

Section 219.7 Coordination With Other Public Planning Efforts

Summary of Major Comments: Some felt the proposed revisions weakened the regulations through vague wording, although they admitted that a coordinated effort fully meeting the intent of the original regulations would still be possible.

Some suggested that the concept of coordination with public agencies and Indian tribes should be carried clearly throughout other sections of the regulations, specifically including States and other affected entities.

Some felt the regulations should specifically outline the types of information to be included in public announcements. Some felt that other specific requirements, such as the requirement to maintain lists of affected or interested individuals and groups, should be reinstated.

A minority view stated that the revisions and deletions were appropriate in streamlining and simplifying regulations. Those of this view felt no substantive changes in process would result.

Some respondents suggested deleting the qualifying phrase "to the extent practical" and reinstating without qualification the requirement to coordinate planning activities with adjacent and intermingled landowners. Others thought this requirement should be expanded further to include (1) holders of major

rights-of-way; (2) all holders of grazing permits; (3) land and mineral owners of property which may be affected; and (4) "lessees" as well as landowners.

In general, most respondents preferred the existing language.

There was concern expressed regarding the Government's trust obligations to protect Indian treaty resources within, or affected by management of, National Forest areas.

It was suggested that coordination procedures must comply not only with National Environmental Protection Act (NEPA) provisions but also with the Federal trust responsibility to Indian tribes.

Response: In the final rule, [§ 219.7\(d\)](#) was moved to § 219.6(k) as previously indicated and a new [§ 219.7\(d\)](#) on meeting with officials of State and Indian tribal governments and other Federal agencies has been added to address many of the concerns expressed by respondents. [§ 219.8\(i\)](#) of the current regulations that deals with monitoring and evaluation of effects on and by adjacent public landowners has been retained in the final rule as [§ 219.7\(f\)](#).

[Section 219.8](#) Regional Planning Procedure

Summary of Major Comments: The reorganization of this section into two sections (Regional Guide Content and Regional Planning Procedures) seemed to be favorably received.

Several responses indicated that regional planning should provide standards and guidelines for regional issue resolution as required by the existing regulations rather than simply providing guidance for resolution. Some felt this rewording would promote uncoordinated issue resolution and a disregard for the cumulative impacts of the resolution process, and, in general, did not provide enough emphasis on resolving issues at the regional level.

Several suggested that limiting the scope of the Regional Guide Environmental Impact Statement (EIS) to proposed standards and guidelines falls short of NEPA requirements. Under NEPA, an EIS must be prepared for all major federal actions significantly affecting the environment; many of the policy choices made in regional planning, they said, involve such action.

Several requested that the regulations require that EIS's be prepared which incorporate detailed analysis of costs/benefits for a full range of program distribution alternatives as well as an analysis of all standards and guidelines necessary to resolve regional issues and concerns.

The proposed change to make the administrative appeals procedures applicable to regional planning was generally supported. One group stressed that any appeals process written into the regulations should reflect the relative magnitude of impacts caused by appealed plans on the appellants. Another emphasized that the decision to disapprove a plan should also be subject to appeal, as well as other decisions made during the planning process.

There was a recommendation that only those who participated with written comments or other public participation programs and who have an interest which could be adversely affected by a decision be permitted to appeal an administrative decision on plans.

It was also suggested this section give emphasis to the importance of providing ***43030** for energy and minerals management in forest planning.

Response: The reasons for limiting the scope of regional guides at this time are set forth in the discussion of [§ 219.4](#) Planning Levels. In the final rule, the scope of the EIS has been limited to standards and guidelines because those are the only elements of the regional guides that could significantly affect the environment. The tentative resource target distribution is not binding on the Forests but merely provides one set of targets that must be considered. As shown in [§ 219.12\(f\)-\(j\)](#), a number of other sets of targets must be analyzed, any one of which can be selected. Any other planning guidance not reflected in standards and guidelines would have no predictable effect on the environment, but would simply add additional procedural direction.

The normal appeal process has not been limited as suggested by some respondents because there seems no valid reason for deviating from the standard practice. Disapprovals and process decisions are not appealable because they are not final. Until the plan is approved, all other decisions are tentative.

Minerals management has not been emphasized in these regulations because the parent statute under which they are written deals with renewable resources, and management of those renewable resources is the primary role of the Department of Agriculture. Other Departments have responsibility for minerals management. The Department recognizes the need for coordinating management of the two types of resources, and provision for coordination of minerals management with renewable resources management has been provided in [§ 219.22](#).

The principal change made in [§ 219.8](#) is the renaming of the document produced as a "guide", rather than a "plan." The description of the guide was modified to more precisely define its role.

The section dealing with responsibilities was rewritten to improve clarity and to add the responsibilities of the interdisciplinary team.

[§ 219.8\(h\)](#) of the proposed rule has been deleted since it added little to the basic public participation requirements of [§ 219.6](#).

A few additional editorial changes have been made to achieve brevity and clarity of expression.

Section 219.9 Regional Plan Content

Summary of Major Comments: Although regional planning received less discussion than other sections, several problems were identified by respondents.

For example, the proposed Regional Plan Content revisions ([§ 219.9](#)) were noted for the absence of a clear presentation of the purpose for regional planning. In view of some, the deletion of the 17 management concerns from the existing [§ 219.10](#) Regional Planning Actions was seen as undesirable and in need of reinstatement.

Some of the more significant concerns expressed were that the existing regulations require a distribution of regional objectives to each National Forest, while the proposed revisions require a display of each forest planning area's tentative resource objectives from the current RPA Program. To some reviewers this change appears to weaken the required ties between the RPA Program and the forest plan.

Again, some reviewers recommended addressing nonrenewable, as well as renewable resources. They proposed including specific language providing for mineral resource exploration, development, and transportation.

It was suggested that the Regional Plan Content be expanded to include an assessment of resource supply and demand and an analysis of community dependence of National Forest resources.

Attention was drawn to the provision for establishing guidelines for setting the maximum size of openings in even-aged management (§ 219.9(a)(4)(ii)). Some stated this provision could be interpreted as authorizing the Regional Forester to establish arbitrary limits on the size of openings. Therefore, it was felt that size limitations should not be prescribed because they are arbitrary and could not be professionally defended.

Some reviewers suggested that the existing section on monitoring (§ 219.9(i)) be retained because it is more specific with respect to monitoring and evaluation of regional planning procedures.

There were several recommendations for specific inclusion of the designation of utility corridors in forest planning. In addition, some thought greater emphasis should be given to future Forest Service access needs as well as to the location of subsequent rights-of-way grants in the corridor designation process.

With respect to content of the regional plan, it was suggested that recognition of the Forest Service responsibility to Indian resources and concerns should be given in this section.

Some of the respondents stated § 219.9 should be rewritten to strengthen planning and coordination processes with the States.

Some suggested that the Regional Plan Content section also be modified to include reference to requirements for surface and drinking water protection under the Clean Water Act and Safe Drinking Water Act.

§ 219.9 was viewed as giving nontimber consumptive use (fish, wildlife, recreation) a minor role, therefore, violating the Multiple Use-Sustained Yield Act. In addition, some stated the proposed regulations do not assure that cultural resources will be adequately and consistently protected on all National Forests.

A number of respondents protested deletion of the requirements to develop regional standards and guidelines for minimum biological potential for suitable lands and standards and guidelines for the state of vegetation when an opening ceases to be an opening.

Response: The final rule does not retain the 17 management concerns presently listed under § 219.10. The Department continues to believe that these are better suited to the Forest Service Manual.

Many of these suggestions are proposals to increase the scope of the regional guides. The discussion in § 219.4 summarizes the reasons for narrowly defining that scope. In brief these are: (1) until forest plans are completed there is little information on which to base regional direction beyond that of the 1980 RPA Program; (2) the forests should not be unnecessarily constrained as they examine a broad range of opportunities; (3) some of the requested additions can and will be covered as part of the ongoing development of the 1985 RPA Program update; and (4) limited available planning resources have dictated that the regional guides concentrate on providing that direction needed by the Forests as they develop their forest plans.

Establishment of guidelines for size limitations for openings is a specific

requirement of NFMA, Section 6(g)(3)(F)(iv), which may not be disregarded.

Specific requirements for monitoring have not been added because the narrowed scope of the regional guide makes some of the requirements of the current rule inappropriate and specific requirements are considered to be more appropriate to the Forest Service Manual.

The specifics of utility corridor planning are the proper subject of the standards and guidelines required by § 219.9(4)(iv) and the forest plans. Such ***43031** specifics are not considered appropriate for these regulations.

The question of recognition of and coordination with Indian resources and concerns as well as other public agencies is considered to be adequately treated in § 219.7, and, therefore, has not been addressed in § 219.9.

Reference to the requirements of the Clean Water Act and the Safe Drinking Water Act has been included in § 219.23, rather than § 219.9 as suggested.

The concern about over-emphasis on timber stems from the fact that three of the five specifically required standards and guidelines deal with timber. This is a direct reflection of the fact that the NFMA devotes a disproportionate share of its specific requirements to the timber resource. In both cases this is because the timber activities affect all the resources so strongly. The regulations do provide for any other standards and guidelines that are needed.

Regulations covering cultural resources were covered in § 219.13(1) which is redesignated § 219.24 in the final rule. § 219.9(b) as given in the February 22 proposed rule has been incorporated into § 219.8(a). A new § 219.9(b) has been added to emphasize the fact that existing regional standards and guidelines present in the directive system remain in effect until altered. Standards for minimum biological growth potential, and the duration of openings are addressed in §§ 219.14 and 219.17 in the final rule and are discussed at those sections.

A few other editorial changes were made for clarity.

Section 219.10 Forest Planning--General Procedures

Summary of Major Comments: The proposed paragraph (e) on plan implementation was apparently unclear and confusing and, therefore, generated a great deal of comment concerning the authority of the Forest Service to change proposed scheduling according to available funding.

Paragraph (f) was viewed as authorizing amendments without the need for an environmental impact statement unless the Forest Service determines the amendment is "significant." Also, the proposed changes did not state how the public should be notified when insignificant changes in the plan are to be implemented.

Proposed changes in paragraph (g) on revisions would have allowed forest plans to "ordinarily be revised on a 10-year cycle or at least every 15 years." This was interpreted by many as allowing the life of a forest plan to extend up to 15 years without revision, raising several questions, such as how this time period relates to the RPA cycle.

In addition, there were a few comments on appeals of the Regional Forester's decision to approve a forest plan. Several stated that the proposed rules do not provide the same clear procedure for appeals that are in the existing rules.

Response: The implementation section has been rewritten to clarify the original intent and to state, as this section does in the existing rules, when it is necessary to prepare an environmental impact statement.

The final rule on amendments has not been changed because, as previously stated, the NEPA criteria for determining the need for an EIS have not been abrogated. The responsible officer always must make that decision.

The Department added the 15-year revision cycle because it is the time required by the NFMA. It should be noted that 10 years is "ordinarily" when revisions will occur and the 15-year cycle is required by statute (16 U.S.C. 1604(f)(5)). The final rule preserves the requirement for a review every 5 years to determine if revision is appropriate. Therefore, the provision is not changed in the final rules.

The final rule makes no substantive changes in the proposed rule concerning appeals. The new rule is significantly less restrictive than is the current rule and brings forest plans under the provisions of the standard appeals regulations, which are themselves in the process of revision. Specific procedures are spelled out in detail in 36 CFR Part 211, which is as readily accessible as are these regulations.

Section 219.11 Forest Plan Content

Summary of Major Comments: This section received very little comment. However, a few respondents stated that some important informational requirements were deleted such as the issues and management concerns and names and qualifications of the Interdisciplinary Team members.

Response: The issues and concerns are used as part of the NEPA required scoping process and are listed in the environmental impact statement rather than in the forest plan. Similarly, the environmental impact statement requires a list of preparers with their qualifications. Duplication of that information in the plan is unnecessary.

Section 219.12 Forest Planning Process

Summary of Major Comments: Several respondents felt that the proposed regulations in general ignored subsurface resources and, therefore, that reference to subsurface resources should be made throughout this section, e.g., in paragraphs (b) identification of purpose and need; (c) planning criteria; (d) inventory data and information collection; and (g) estimated effects of alternatives.

There were some comments on planning criteria (§ 219.12(c)). The emphasis seemed to be on the need for providing specificity rather than general statements. For instance, some stated that criteria are critical to both guiding the analysis and to openly identifying measures against which alternatives will be evaluated; the regulations should provide specific criteria to be used in the planning process rather than simply stating that criteria will be developed. It was suggested that this would include concise criteria statements designed to assess how well an alternative plan achieves the stated objective of maximizing net public benefits. Criteria, some felt, should be based on sound and accepted economic principles.

Some expressed concern that reference to guidelines for economic analysis is being deleted in the proposed revisions. Two other criteria were suggested to be added to the list in § 219.12(c): The President's Statement of Policy for RPA, and information on supply and demand.

Several urged strengthening the wording in paragraph (c)--"specific criteria may be derived from various sources" by changing "may" to "shall."

The majority of comments centered around the analysis of the management situation (§ 219.12(e)) and the formulation and comparison of alternatives (§ 219.12(f) and (h)).

Some people suggested that the proposed revisions to Analysis of the Management Situation (AMS) provision should be completely struck in favor of the existing regulations; that the existing regulations correctly require a supply/demand analysis for all resources using the best available techniques to the extent possible.

A respondent suggested that the purpose of the AMS needs amplification. It was suggested that the regulations should state that "the primary purpose of this analysis is to identify resource production potentials, examine present net value opportunity costs of balancing conflicting resources," thereby providing a basis for formulating a range of reasonable alternatives.

Some characterized the revision of the section on formulation of alternatives as eliminating very basic and sound requirements that each alternative be achievable and that each provide for the elimination of reforestation backlogs.

***43032** Several respondents stated that the function of developing alternatives is to address the range of public concerns and issues, not to explore different ways of "maximizing" the exploitation of the Forest's resources. In addition, the existing regulations were viewed as more flexible than the proposed regulations.

Several reviewers stated that the starting point for formulating alternatives should not be maximization of present net value; to start only with commodity outputs is to skew the analysis in favor of such outputs. They felt the proposed provisions for evaluating alternatives placed too much stress on dollars and cents values and that the proper criterion is the full range of values.

One group stated that the term "costs" in § 219.12(f)(5) should be more clearly defined to segregate between opportunity costs and fiscal costs.

Some felt that there is insufficient discussion of resource tradeoffs in the proposed regulations and that § 219.12(g) could be used to correct this perceived deficiency.

One group of respondents stated that it is essential that the environmental costs to achieve amenity outputs be displayed and evaluated for determination of present net value. These comments reflected the belief that an alternative that achieves maximum present net value must be displayed as a benchmark providing the basic foundation from which the final plan is determined.

There were many comments that stated the Forest Service would no longer be required to identify a preferred alternative at the draft EIS stage.

In the evaluation of alternatives, one group stated that although forest plans will be required only to compare present net value, they will be required to identify the alternative which comes closest to maximizing net public benefits. They stated that alternatives which maximize both present net value and public net benefits should be identified. Further, it was recommended that all alternatives should be evaluated against the present net value and public net benefits benchmarks with the results prominently displayed in the EIS.

It was recommended that § 219.12(h) be expanded to include several additional factors for evaluating and comparing alternatives--county receipts, community stability, and supply of goods and services relative to local demand.

Another respondent suggested strengthening of paragraph (h) to include the statement from Executive Order 12291, "The alternative involving the least net cost to society shall be chosen."

Others also viewed these revisions as increased emphasis on commodity aspects and, therefore, an unfair analysis.

Still another reviewer saw this section as a well-constructed provision and an excellent approach to determining output potential and maximum net benefits.

Many people felt the proposed revisions weakened the monitoring and evaluation requirements. Several requested that the existing language be retained.

It was stated by some that paragraph (k)(2) on monitoring and evaluation lacks clarity. It should be rewritten to show that the effects of management prescriptions are documented in the monitoring process.

Response: References to subsurface resources have not been added because this section covers the general process requirements without specific reference to any resources.

The suggestions for more specificity in defining criteria were carefully considered, but the wide range of issues, concerns, and opportunities that exist across 122 widely dispersed National Forests make specific criteria formulated at the national level extremely difficult to develop and probably inappropriate.

The President's Statement of Policy is considered to be the executive portion of the RPA Program, and hence is included in the generic expression "RPA."

§ 219.12(e), (f) and (h) have been further revised in the final rule to address many of the concerns raised by reviewers and to clarify the intent, which is to insure the most complete analysis of ways to combine opportunities with needs. Members of the original Committee of Scientists were very helpful in suggesting some of these revisions.

One purpose of the analysis of the management situation is to establish the range of feasible alternatives. § 219.12(f) requires that alternatives considered in detail lie within that range. But a requirement that all alternatives must appear to be budgetarily achievable, or that all should provide for elimination of backlogs would mean that the decisionmaker, the public, and the Congress would not be aware of all opportunities or the cost and benefits of eliminating the backlog.

Alternatives are formulated to address the items set forth in the last sentence of § 219.12(b) of both the current and proposed revision of the regulations, i.e., " * * the major public issues, management concerns, and use and development opportunities * * * ." Different ways of maximizing the use of forest resources address some management concerns and development opportunities, and in many cases they are also public issues. Therefore, the formulation of alternatives should address maximizing use of various resources, consistent with the protection of other resources and other objectives. However, the goal for formulation of alternatives is not to "maximize" exploitation of the forest's resources, as was inferred by several respondents. Rather, a primary goal is to permit maximization of net public benefits. See the response to comments in § 219.1 for elaboration on this point.

The perceived flexibility of the current regulations is related to imprecise requirements that have led to some confusion on the part of the planning teams. The proposed and final rule attempts to eliminate that confusion.

The final rule preserves in [§ 219.12\(g\)](#), a provision that specifically requires estimation of environmental effects, but recognizes that many environmental effects cannot be monetarily evaluated for use in present net value calculations.

The belief that the DEIS would not have to identify a preferred alternative is a misconception that needs addressing. The proposed regulations required this identification in [§§ 219.10\(b\)](#) and [219.12\(h\)](#). The final regulations continue this requirement in [§§ 219.10\(b\)](#) and [219.12\(i\)](#).

County receipts, community stability, and supply/demand relationships all represent components of the categories of effects identified in [§ 219.12\(h\)](#), and are discussed in more detail in the economic and social analysis guidelines required by current [§ 219.5\(c\)\(6\)](#). These have been issued as Chapter 1970 of the Forest Service Manual.

"Least net cost to society" is simply a negative form of saying "maximize net public benefits."

[Section 219.12\(k\)](#) of the final rule, dealing with monitoring, has been revised and expanded to bring it much closer to the language of the current regulations and to improve the clarity.

[Section 219.13](#) Forest Planning-Resource Integration Requirements

Almost 65 percent of the respondents referred to this section of the proposed rule. In the final rule this section has been recodified and the material previously included in [§ 219.13](#) is now found in [§ 219.13](#) through § 219.26. This change was made to facilitate references, improve clarity, and make particular subject matter easier to *43033 locate. Because of the volume of comments on this section, they have been grouped by sub-section.

[Section 219.13\(b\)](#) Timber Resource Land Suitability (§

Summary of Major Comments: The existing regulations were viewed by many as protective of lands that are fragile and less productive by requiring that the biological growth standard used to define commercial timberland be considered on a regional basis. The proposed regulations set the standard nationally at 20 cubic feet/acre/year. Many respondents believe this would result in more timber being harvested on lands where regeneration is less likely to occur. There were comments that lands with a biological growth potential of less than 50 cubic feet/acre/year are not economically or physically suitable for timber management.

Another group stated the use of an arbitrarily set biological growth standard should be deleted and allow all stands of timber to be considered for management based on their contribution to net public benefits.

Many opposed the requirement of [§ 219.13\(b\)\(1\)\(ii\)](#), that unmanaged natural stands should be used as the basis for growth estimates because this conflicts with what is perceived to be the legislative intent of the National Forest Management Act to consider intensive management in defining capable and suitable land.

The concept of determining which lands are "necessary" for timber production as an element of suitability was strongly objectionable to some.

Some suggested that the evaluation of lands necessary for timber production should be made in terms of meeting the timber objective of the alternative being studied.

The proposed revisions eliminated reference to the delineation of "available, capable, and technically suitable" land. Some reviewers felt that elimination of these three categories of suitable land will "mislead the public into believing that all land classified not suitable is erosive, cannot be regenerated, and is unproductive." These reviewers felt that it would be desirable to restore the concept of delineating and identifying for the public the lands that are not available, capable, and technically suitable.

Response: After a great deal of discussion with the members of the original Committee of Scientists as well as within the Department, it was concluded that the economic suitability test called for by the Act could only be made on a site-specific basis, and that 20 cubic feet per acre, per year or any other national, or even regional, standard could not be professionally supported.

Therefore, reference to a particular growth standard was dropped in the final rule. As now stated, the economic suitability test is defined in [§ 219.14 \(c\)](#) and [\(d\)](#) and depends upon the objectives of the particular alternative that is selected and approved as the preferred. Each alternative could have a different area of suitable land.

In the final rule, the term "necessary" for timber production has been changed to "appropriate" for timber production, and the cost effectiveness criteria has been changed slightly to clarify its meaning.

The Department sees nothing in the proposed rule that would lead one to assume that all unsuitable land was erosive or unproductive. To avoid the confusion of maintaining three separate categories of land, the final rule keeps only the "suitable" category.

[Section 219.13\(c\)](#) Timber Resource Management Practices ([§ 219.15](#) in Final Rule)

Summary of Major Comments: It was pointed out that this section referred to any vegetation management practice and therefore, was misnamed.

Response: In the final rule, it is retitled "Vegetation Management Practices."

[Section 219.13\(d\)](#) Timber Resource Sale Schedule ([§ 219.15](#) in Final Rule)

Summary of Major Comments: Among the most controversial issues of the proposed revisions were the changes in the section dealing with departure.

The proposed regulations would have deleted the requirement that departures be approved by the Chief; respondents generally perceived this change to mean that departures could become the "rule rather than the exception." However, some agreed that timber sale scheduling including departures, should properly be determined by the Regional Forester, not the Chief; and the proposed deletion was viewed as a commendable change.

Many saw a greater potential for departures under the proposed revisions. As they interpreted the proposed revision, a departure schedule could conceivably be drawn up for any forest plan alternative, and departure schedules could be implemented as funding became available, without public review or EIS.

A fourth "trigger" to require examination of departure alternatives was included in

the proposed revision (that is, whenever it is reasonable to expect that net public benefits would increase); this proposal generated much response. Many viewed the new departure criteria as a totally unacceptable principle for management of the National Forests. It was seen as a violation of NFMA.

One group recommended that the entire section be rewritten in a manner that does not cast departure alternatives as the "rare" exception. They stated that the nondeclining yield harvest policy is an extremely inflexible constraint in forest management. This group suggested that the regulations be written to require the Forest Supervisor to provide justification for imposing nondeclining yield rather than justification for allowing a departure.

Several respondents supported the proposed revisions related to culmination of mean annual increment (CMAI), stating that the change is appropriate under the statute. Some questioned the limitations to "natural stands."

Conversely, others thought the proposed change represented a radical departure from present policy. These reviewers stated that since intensively managed stands of timber reach culmination many years after natural stands, this would reduce rotation ages by 50-100 percent or more. They interpret NFMA as, therefore, being violated, as it requires that stands, not forest types, reach culmination before harvesting.

Still another view maintained that the rotation age should be determined by financial and multiple use consideration through the planning process rather than being constrained by culmination of mean annual increment. Therefore, it was suggested that this portion be amended to allow the analysis of rotation ages and factors other than CMAI in cases where greater net public benefits may result.

Some stated that the existing regulations provide flexibility to lengthen the rotation for purposes other than timber. In their view, the proposed regulations would provide a minimum legal determination of maturity and would remove the existing flexibility "in favor of greater harvest by calculating a shorter rotation age."

Response: The final rule retains language granting approval authority for all forest plans to the Regional Forester. The concern that a departure schedule could be implemented in response to budget changes reflects a misunderstanding of the sale schedule which actually sets the allowable sale volume by decade. Departures refer only to a decadal decline from the previous decade, while adjustments of sale volumes in response to actual *43034 appropriations are made on an annual basis. These annual adjustments are subject to the requirement of § 219.14(h)(3) of the proposed rule, (§ 219.27(c)(2) of the final rule), that the average annual sale volume for the decade must not exceed the allowable sale quantity. § 219.10(e) has been expanded in the final rule to eliminate the concern expressed.

The proposal to require justification of nondeclining yield would clearly be a violation of NFMA.

In the final rule the Department has responded to the public's concern by deleting the provision that consideration should be given to departing from nondeclining yield whenever it is reasonable to expect that net public benefits would increase. The language of NFMA concerning achieving overall multiple use objectives has been substituted.

In response to concerns over rotation ages, the Department has, in the final rule, changed § 219.13(d)(ii)(C), (§ 219.16(a)(2)(iii) in the final rule), to require that culmination of mean annual increment be based on the management intensity and

utilization standards expected to be used. Also, net public benefit was dropped from proposed language in this section and replaced with the terminology "overall multiple use objectives."

Other minor changes are made in this section to conform to changes made concerning the regional guide.

Section 219.13(e) Wilderness (§ 219.17 in Final Rule)

Summary of Major Comments: The proposed revisions would require that only roadless areas of 5,000 acres or more be considered for wilderness designation. Many respondents objected to an acreage limitation for wilderness consideration. Some stated that the restrictions (if in fact the 5,000-acre became required) should not apply to evaluation of areas adjacent to existing wilderness areas and wilderness study areas.

Others expressed concern with a "continuing study" of Forest Service lands for possible wilderness designation; suggestions were made that continued consideration for wilderness should be limited to areas already recommended for wilderness and areas designated for further planning.

Several supported the proposal to limit the size of areas to be evaluated for wilderness.

Many stated that the NFMA does not establish an arbitrary acreage limitation for wilderness, nor does the Wilderness Act justify the proposed change; therefore, the limitation would violate the law.

A few stated if nonwilderness roadless areas were to be reviewed in plan revisions, the current wilderness should also be reviewed.

Exception was taken by several reviewers to inclusion of the word "essentially" in the phrase that such lands will be evaluated if they are "* * * currently essentially roadless." The word "essentially" should be deleted because the process pertains only to roadless areas, and the area can only be either roaded or unroaded.

Still others pointed out that the 5,000-acre limitation is inappropriate for the Eastern United States where only small enclaves of undisturbed land remain.

Response: In response to these comments, reference to a 5,000-acre minimum has been deleted. The requirement to review roadless areas for possible wilderness recommendation represents the Department's response to an important current public issue. While there is nothing to prevent a forest from analyzing the effects of existing wilderness areas on the total forest program (and most forests will do so as part of the analysis of the management situation), alternatives that would require redesignation of existing wilderness are not required. The term "essentially roadless" remains in the final rule because a road is difficult to define at the margin between trail and road.

Section 219.13(f) Wilderness Management (§ 219.18 in Final Rule)

Summary of Major Comments: It was proposed that since limited action or development is permitted within wilderness areas under certain circumstances, these activities should be included in the planning criteria in subsection (f) Wilderness Management.

In addition, some reviewers felt that subsection (f) should clarify the Forest Service's understanding of existing rights of lessees that constitute "valid

existing rights" after December 31, 1983.

Further, a few reviewers strongly recommended the inclusion of a new subsection stating that stipulations for oil and gas leases will be developed on a standard of reparable vs. irreparable harm.

Response: Upon careful consideration of these comments, the Department has concluded that the language in the proposed rule which repeats that of the existing regulations is adequate and no changes have been made in the final rule. The additions requested by respondents seem more appropriate for the Forest Service Manual.

Section 219.13(g) Fish and Wildlife Resource (§ 219.19 in Final Rule)

Summary of Major Comments: A great deal of the public comments concerned § 219.13(g), Fish and Wildlife Resource. Only a very few supported the proposed revision. Generally, the proposed revision was viewed as weakening the fish and wildlife section.

The proposed regulation eliminated the requirement that habitat of certain species be "maintained and improved." To many respondents, this deletion would allow substantial reductions in fish and wildlife populations.

In the discussion of desired future condition of fish and wildlife populations and habitat, substitution of the term "where practical" for the original terminology "where technically feasible" was viewed as a lowering of standards.

There was opposition regarding replacing the term "management indicator species" with "selected species." The term "selected species" is seen by some as less scientific.

In contrast, some viewed the revisions relating to indicator species as probably beneficial. This view was based on the fact that the regulations would no longer require just maintenance and improvement of habitat but would allow for flexibility in providing for maintenance of the species or habitat.

Response: In response to these concerns, the panel of consultants asked Dr. William Webb to work with the Forest Service to develop satisfactory language. Language incorporating many of his suggestions has been included in this final rule. The final rule maintains the requirement for species viability, continues the concept of management indicator species, and stipulates that maintenance and improvement goals must be consistent with other resource goals.

Section 219.13(h) Grazing Resource (§ 219.20 in Final Rule)

Summary of Major Comments: Grazing was not addressed very often by the public. However, it was suggested that this subsection convey the fundamental concept that livestock grazing encompasses more than forage for livestock; that it also provides an important source of food and fiber for the Nation. A change was also suggested to reflect livestock grazing as a management tool to help improve habitat for wildlife, reduce fire hazard, improve watersheds, and enhance soil resources.

***43035** A few saw the grazing provision as being weakened by the proposed changes.

Response: It is the Department's belief that regulations are not the proper place for justifying programs. The only changes in the final rule are to improve clarity.

Section 219.13(i) Recreation Resource (§ 219.21 in Final Rule)

No comments were received and no significant changes were made in this section. The opening sentence was modified to clarify that the degree of recreation opportunity provided for in a forest plan must be consistent with needs and demands for all major resources. The resource integration requirements in existing § 219.12(i)(1)-(7), (retained in the final rule as § 219.21(a)-(g)) and elsewhere in the regulations dictate this clarification.

Section 219.13(j) Mineral Resource (§ 219.22 in Final Rule)

Summary of Major Comments: Some reviewers expressed disappointment that the proposed rules lacked understanding of mineral occurrence and the importance of minerals to the economy and national security.

Several suggested inclusion of "geology and energy" in titling the subsection to conform to the proposed changes.

It was suggested that the subsection be strengthened to respond to the Administration's emphasis to expedite the orderly development of mineral and energy resources.

Response: See the Department's comments on the treatment of mineral resources under Regional Planning (§ 219.8). There have been no significant changes in the comparable section of the final rule.

Section 219.13(k) Water and Soil Resource (§ 219.23 in Final Rule)

Summary of Major Comments: Some requested that the original existing language in § 219.13(k), Water and Soil Resource, be reinstated.

Others requested a requirement to identify man-made developments planned for the National Forest be added to the rule.

Response: It is not believed necessary to add a water resource developments identification requirement because Forest Service planned installations would have to be included as part of any overall plan, and developments planned by other agencies would be surfaced during compliance with § 219.7 and addressed appropriately in the plan. There are no changes in this section in the final rule.

Section 219.13(l) Cultural Resource (§ 219.24 in Final Rule)

Summary of Major Comments: Several reviewers requested the addition of two items--protection of historic and cultural resources from forest management practices, including timber harvesting, pesticides, and road construction, and protection of the sacredness of native American sacred sites.

Response: Language has been added to the final rule to strengthen protection of cultural resources.

Section 219.13(m) Research Natural Areas (§ 219.25 in Final Rule)

Summary of Major Comments: Several respondents said that they felt that the proposed regulations emphasized a national network as opposed to a regional or State network. They recommended that Research Natural Areas (RNA's) should be selected to be of value regionally as well as filling national needs.

At least one reviewer expressed disappointment that no regulatory provision was made for other kinds of special areas; such as geologic, botanic, and paleontologic. Because they are not specifically provided for, it was felt they are being overlooked.

Several suggested that transportation should be treated as a resource and suggested inclusion of a new provision labeled "natural corridors" or "transmission corridor resource."

Response: A purpose of establishing a national network of RNA's is to prioritize the Nation's allocation of such areas. There should be little question that areas important to the national network would also be important regionally. The final rule preserves the language of the proposed rule.

The Department believes that consideration of other special types of areas can be adequately addressed in the Forest Service Manual.

In the context of NFMA, transportation is a facility rather than a resource and is adequately covered in §§ 219.9(a)(4)(iv) and 219.27(a)(9).

A new § 219.26 consisting of the first part of the section on diversity that was in § 219.14(g) of the proposed rule has been moved to this portion of the regulations because it deals with procedural integration requirements, rather than management requirements.

Section 219.14 Management Requirements

In the final rule, this section is recoded § 219.27, and it has been reorganized to improve clarity. *Summary of Major Comments:* With respect to management prescriptions, several reviewers suggested that energy and mineral exploration should be provided for.

Much of the controversy in this section centered around "when timber stand openings cease to be openings." Several said prescribing forest practices nationally is professionally unacceptable. Some stated the decision might best be left to the regional or forest plan, based on the following reasons-- visual quality, other multiple-use objections, and production of timber. Others suggested a minimum height should be obtained before classifying a stand as "established," because loose interpretation will allow adjacent clearcutting before soil and water conditions have stabilized.

Some felt defining the standard in regulations is a positive change, but the definition of when openings are no longer considered openings was still ambiguous.

With respect to diversity, some stated the proposed rules dilute the value and intent of the NFMA and that reductions in diversity of plant and animal communities are inappropriate. Many felt that the proposed revisions, although appearing to be minor word changes, represent a change in management philosophy "designed to weaken management controls for resource protection and enhancement."

The proposed § 219.14(h)(2) was viewed by many as easing the way for development of roadless areas. The proposed language was viewed by some as requiring timber sales to be planned on all lands that are considered suitable for timber management, a requirement they feel is clearly in violation of the Multiple Use-Sustained Yield Act of 1960.

The proposed revision requiring that "technology and knowledge exist" to adequately

restock within 5 years after final harvest before cutting could occur was viewed by some reviewers as a violation of the original intent of the Congress. The existing language was, therefore, thought preferable.

Others strongly recommended that additional time be allowed for restocking under natural methods which reflects true time requirements on the ground.

Many of the respondents expressed concern over what is perceived as an omission of integrated pest management as an operating principle for dealing with insects and pest problems. Many requested the existing language should be maintained and strengthened to encourage nonchemical solutions to insect problems.

***43036 Response:** The necessary coordination for energy and mineral exploration is provided for in both the final and proposed rule. See comment on this subject under [§ 219.4](#).

The Department's position on duration of openings is that the characteristics needed for an opening depend upon the specific objectives for a given area, and they would vary with such things as wildlife species present, terrain, existing visual characteristics of the area as a whole, watershed conditions, etc. The proposed and final rules establish, *as a minimum*, that an opening remains an opening until a new stand is established, and regional guides establish guidelines for determining variations to this minimum. Additional opening guidelines to satisfy the needs for resources other than timber may be established locally depending upon multiple-use objectives.

To respond to the concern about diversity, the word "only" has been added to the clause "* * * reductions * * * may be prescribed *only* where needed * * *" in § 219.27(g).

While the intent of § 219.14(h)(2) was to plan to harvest a volume equal to the volume of growth on all suitable lands, it was never contemplated that individual sales would actually be located in the forest planning process. The proposed language is not necessary to achieve the desired result, however, and it is deleted in the final rule.

The language change from the existing regulations to the proposed concerning ability to regenerate a stand is simply a more precise wording for the concept conveyed by "* * * can be adequately restocked * * *," i.e., the "* * * technology and knowledge exists to adequately restock. * * *" Because of the increased precision, the final rule retains the language of the proposed rule.

Section 219.27(a)(3) of the final rule has been reworded to respond to suggestions on integrated pest management. Additionally, the definition of integrated pest management has been restored to [§ 219.3](#). A third addition in the final rule dealing with pest management is a new § 219.27(c)(7) requiring coordination of silvicultural practices with the needs of pest management.

Section 219.14(i) on monitoring and evaluation has been moved and recodified to [§ 219.12\(k\)\(5\)](#) in the final rule.

[Section 219.15](#) Research

There were no comments on this section. The only change in the final rule is recodification to § 219.28.

[Section 219.16](#) Transition Period

Summary of Major Comments: There was some objection expressed to the provision which would allow a forest plan to become effective before the regional plan (guide) is approved. Permitting forest plans to become effective before the regional plan (guide) is a carryover from the current regulations and is necessary to prevent unacceptable delays in forest planning.

Several suggested the regulations allowing the Mount St. Helens Land Management Plan appeared to preempt congressional action which could provide more thorough protection.

Response: This section was recodified to § 219.29. The provision for Mount St. Helens is necessary to permit the independent development of the Mount St. Helens Land Management Plan. The timing of the development of the plan in relation to imminent congressional action is such as to make it extremely unlikely that any action could occur that would preempt Congress.

Section 219.29(b) has been added to permit phasing in those forest plans and regional guides that have already been completed through the DEIS stage or beyond, so that it is not mandatory during the current round of planning to subject then to new requirements resulting from amendment of these regulations.

Conclusion

The public response to the proposed rule demonstrated a strong interest in management of the National Forests and was very helpful in developing the final rule. The assistance of the members of the former Committee of Scientists was particularly valuable especially in sections on analysis of the management situation and the formulation and evaluation of alternatives. The final rule is responsive to the preponderance of comments, but as is always the case, all suggestions could not be incorporated. The major changes between the final rule and the proposed rule result from decisions to retain much more of the language of the current regulations than originally proposed. Specifically, the final rule:

- Retains the 14 planning principles from the current regulations;
- Clarifies the relationship between multiple use, net public benefits, and present net value;
- Redefines six terms and adds four new ones to improve readability and understanding;
- Retains provisions for adjusting assigned resource objectives;
- Retains most of the language from the current regulations dealing with public participation process and the interdisciplinary team;
- Deletes the proposal to permit denial of public participation if it would be reasonably burdensome;
- Strengthens public planning coordination requirements;
- Renames the regional plan as a regional guide and clarifies the intent of that document;
- Clarifies the authority of the Forest Supervisor to make adjustments in the plan as a result of differences between planned and appropriated budgets and specifies when these differences may require an EIS;

- Extensively revises the sections dealing with analysis of the management situation and formulation and evaluation of alternatives;
- Revises monitoring requirements to bring them closer to the language of the current regulations;
- Removes entirely all reference to a minimum growth standard, leaving to each forest the evaluation of economic suitability;
- Deletes increasing net public benefit as a trigger for consideration of departures from nondeclining yield or harvesting prior to culmination of mean annual increment;
- Changes the determination of culmination of mean annual increment from that for natural stands to that which would occur under the management intensity and utilization standards expected to be used;
- Eliminates the 5,000-acre minimum for wilderness consideration;
- Revises the section on wildlife and fish;
- Strengthens protection of cultural resources;
- Strengthens the requirement for maintaining diversity of plant and animal species;
- Retains the term "integrated pest management" and strengthens the description of that concept and its use;
- Reorganizes and recodifies the section on Resource Intergration Requirements to simplify citations to these sections and to assist readers in more readily locating specific resource requirements; and,
- In general, seeks to improve readability of the regulations through use of simpler terms and improved sentence structure, reorganization and more precise word choice.

In addition to resolving most of the concerns expressed by the respondents, the final rule integrates achievement of the goals of regulatory relief with the goal of refining the National Forest land and resource management planning process to simplify and clarify the ***43037** procedures and, thereby, enhance the quality and utility of planning.

Finding of No Significant Environmental Impact

An environmental assessment and report addressing the impacts of the proposed regulation and the need for preparing an environmental impact statement was printed as Appendix A with the proposed rule in the Federal Register, Volume 47, No. 35 (February 22, 1982). The changes reflected in the final rule are primarily reinstatement of provisions contained in the existing regulations promulgated on September 17, 1979. The potential effects of these provisions were analyzed and displayed in the environmental impact statement published in the Federal Register, Volume 44, No. 181 (September 17, 1979), to which the environmental assessment for the revisions of the regulations is tiered. A review of other changes from the proposed regulations in the final version indicates no potential for significant effect on the physical and biological components of the human environment. The changes are editorial or apply to planning procedure. Any direct and specific

impacts on the environment will be analyzed and displayed in environmental impact statements prepared for forest plans and regional guides.

Based on the above reasons and the environmental assessment prepared for the proposed regulations, which is herein incorporated by reference, it is hereby determined that revision of these regulations is not a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement in addition to the one already prepared for the regulations promulgated September 17, 1979, will not be prepared.

Regulatory Impact

The Assistant Secretary for Natural Resources and Environment has determined that the regulations in their present form are considered "major" as defined in Executive Order 12291. However, for the reasons explained in the notice of proposed rulemaking, published in the Federal Register, Volume 47, No. 35 (February 22, 1982), the Office of Management and Budget has waived the requirement to carry out a regulatory impact analysis.

The Assistant Secretary for Natural Resources and Environment has determined that this regulation is clearly within authority delegated by law and consistent with congressional intent. This determination is supported by the following Memorandum of Law prepared by the Office of the General Counsel, United States Department of Agriculture:

Memorandum of Law

Legal Authority for Revised National Forest System Land and Resource Management Planning Regulations, 36 CFR Part 219

The revision of the National Forest System Land and Resource Management Planning Regulations, codified in 36 CFR Part 219, is clearly within the authority of the Department of Agriculture, and consistent with congressional intent. Section 6(g) of the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act of 1976 ([16 U.S.C. 1604\(g\)](#)) (hereafter, RPA), explicitly requires the Secretary of Agriculture to issue regulations that set out the process for the development and revision of land management plans for units of the National Forest System, and regulations that establish management planning standards and guidelines described in the Act. Section 15 of the same statute ([16 U.S.C. 1613](#)) directs the Secretary to promulgate such regulations as he deems necessary and desirable to carry out the provisions of the Act.

The final regulations to implement the above RPA requirements, presently codified in 36 CFR Part 219, were published in the Federal Register, Volume 44, No. 181 on September 17, 1979. All of the regulations are directly related to the land and resource management planning process for National Forest System units, to standards and guidelines for that planning, to national level planning required by [Sections 3 and 4](#) of RPA ([16 U.S.C. 1601-1602](#)), or to regional level planning which the Secretary determined to be desirable to coordinate national level and forest level planning. The current revision clarifies and streamlines the planning regulations, without deleting any of the provisions required by [Section 6\(g\)](#) of RPA, or adding requirements not within the promulgating authority given to the Secretary by Section 15 of the statute.

A review of the RPA and its legislative history indicates that Congress, in enacting the statute and amendments thereto, intended to create a flexible framework for environmentally sound, economically efficient, and productive multiple-use and

sustained-yield management of the National Forest System. A review of the revised regulations indicates full consistency with this intent.

The Assistant Secretary for Natural Resources and Environment has also determined that the factual conclusions upon which this regulation is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general, and the comments of persons directly affected by the rule in particular.

Small Entity Impact

The Assistant Secretary for Natural Resources and Environment has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. The proposed rule imposes no direct or indirect costs on small entities. It requires no paperwork or recordkeeping; it does not affect the competitive position of small entities in relation to large entities; it does not affect the ability of a small entity to stay in the market; and it does not require that small entities obtain professional assistance to meet regulatory requirements.

List of Subjects in 36 CFR Part 219

National forests; Environmental impact statement; Timber; Fish and wildlife; Water resources; Range management; and Recreation.

Therefore, for the reasons set forth in the preamble, Part 219--Planning, Subpart A--National Forest System Land and Resource Management Planning, Title 36 of the Code of Federal Regulations is revised as follows:

1. The Table of Contents for 36 CFR Part 219--Planning, Subpart A--National Forest System Land and Resource Management Planning, is revised to read as follows:

PART 219--PLANNING

219.1 Purpose and principles.

219.2 Scope and applicability.

219.3 Definitions and terminology.

219.4 Planning levels.

219.5 Interdisciplinary approach.

219.6 Public participation.

219.7 Coordination with other public planning efforts.

219.8 Regional planning--general procedure.

219.9 Regional guide content.

219.10 Forest planning--general procedure.

219.11 Forest plan content.

219.12 Forest plan process.

- 219.13 Forest planning--resource integration requirements.
- 219.14 Timber resource land suitability.
- 219.15 Vegetation management practices.
- 219.16 Timber resource sale schedule.
- 219.17 Wilderness designation.
- 219.18 Wilderness management.
- 219.19 Fish and wildlife resource.
- 219.20 Grazing resource.
- 219.21 Recreation resource.
- 219.22 Mineral resource.
- 219.23 Water and soil resource.
- 219.24 Cultural and historic resource.
- *43038** 219.25 Research natural areas.
- 219.26 Diversity.
- 219.27 Management requirements.
- 219.28 Research.
- 219.29 Transition period.

Authority. Secs. 6 and 15, 90 Stat. 2949, 2952, 2958 ([16 U.S.C. 1604](#), [1613](#)); and [5 U.S.C. 301](#).

2. 36 CFR Part 219, Subpart A--National Forest System Land and Resource Management Planning, is revised to read as follows:

36 CFR § 219.1

§ 219.1 Purpose and principles.

(a) The regulations in this subpart set forth a process for developing, adopting, and revising land and resource management plans for the National Forest System as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (hereafter, "RPA"). These regulations prescribe how land and resource management planning is to be conducted on National Forest System lands. The resulting plans shall provide for multiple use and sustained yield of goods and services from the National Forest System in a way that maximizes long term net public benefits in an environmentally sound manner.

(b) Plans guide all natural resource management activities and establish management standards and guidelines for the National Forest System. They determine resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management. Regional and forest

planning will be based on the following principles:

(b)(1) Establishment of goals and objectives for multiple-use and sustained-yield management of renewable resources without impairment of the productivity of the land;

(b)(2) Consideration of the relative values of all renewable resources, including the relationship of nonrenewable resources, such as minerals, to renewable resources;

(b)(3) Recognition that the National Forests are ecosystems and their management for goods and services requires an awareness and consideration of the interrelationships among plants, animals, soil, water, air, and other environmental factors within such ecosystems;

(b)(4) Protection and, where appropriate, improvement of the quality of renewable resources;

(b)(5) Preservation of important historic, cultural, and natural aspects of our national heritage;

(b)(6) Protection and preservation of the inherent right of freedom of American Indians to believe, express, and exercise their traditional religions;

(b)(7) Provisions for the safe use and enjoyment of the forest resources by the public;

(b)(8) Protection, through ecologically compatible means, of all forest and rangeland resources from depredations by forest and rangeland pests;

(b)(9) Coordination with the land and resource planning efforts of other Federal agencies, State and local governments, and Indian tribes;

(b)(10) Use of a systematic, interdisciplinary approach to ensure coordination and integration of planning activities for multiple-use management;

(b)(11) Early and frequent public participation;

(b)(12) Establishment of quantitative and qualitative standards and guidelines for land and resource planning and management;

(b)(13) Management of National Forest System lands in a manner that is sensitive to economic efficiency; and

(b)(14) Responsiveness to changing conditions of land and other resources and to changing social and economic demands of the American people.

36 CFR § 219.2

§ 219.2 Scope and applicability.

The regulations in this subpart apply to the National Forest System, which includes special areas, such as wilderness, wild and scenic rivers, national recreation areas, and national trails. Whenever the special area authorities require additional planning, the planning process under this subpart shall be subject to those authorities.

(a) Unless inconsistent with special area authorities, requirements for additional planning for special areas shall be met through plans required under this subpart.

(b) If, in a particular case, special area authorities require the preparation of a separate special area plan, the direction in any such plan may be incorporated without modification in plans prepared under this subpart.

36 CFR § 219.3

§ 219.3 Definitions and terminology.

For purposes of this subpart the following terms, respectively, shall mean:

Allowable sale quantity: The quantity of timber that may be sold from the area of suitable land covered by the forest plan for a time period specified by the plan. This quantity is usually expressed on an annual basis as the "average annual allowable sale quantity."

Base sale schedule: A timber sale schedule formulated on the basis that the quantity of timber planned for sale and harvest for any future decade is equal to or greater than the planned sale and harvest for the preceding decade, and this planned sale and harvest for any decade is not greater than the long-term sustained yield capacity.

Biological growth potential: The average net growth attainable in a fully stocked natural forest stand.

Capability: The potential of an area of land to produce resources, supply goods and services, and allow resource uses under an assumed set of management practices and at a given level of management intensity. Capability depends upon current conditions and site conditions such as climate, slope, landform, soils, and geology, as well as the application of management practices, such as silviculture or protection from fire, insects, and disease.

Corridor: A linear strip of land identified for the present or future location of transportation or utility rights-of-way within its boundaries.

Cost efficiency: The usefulness of specified inputs (costs) to produce specified outputs (benefits). In measuring cost efficiency, some outputs, including environmental, economic, or social impacts, are not assigned monetary values but are achieved at specified levels in the least cost manner. Cost efficiency is usually measured using present net value, although use of benefit-cost ratios and rates-of-return may be appropriate.

Diversity: The distribution and abundance of different plant and animal communities and species within the area covered by a land and resource management plan.

Even-aged management: The application of a combination of actions that results in the creation of stands in which trees of essentially the same age grow together. Managed even-aged forests are characterized by a distribution of stands of varying ages (and, therefore, tree sizes) throughout the forest area. The difference in age between trees forming the main canopy level of a stand usually does not exceed 20 percent of the age of the stand at harvest rotation age. Regeneration in a particular stand is obtained during a short period at or near the time that a stand has reached the desired age or size for regeneration and is harvested. Clearcut, shelterwood, or seed tree cutting methods produce even-aged stands.

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Forest land: Land at least 10 percent occupied by forest trees of any size or formerly having had such tree cover and not currently developed for non-forest use. Lands developed for non-forest use include areas for crops, improved pasture, residential, or administrative *43039 areas, improved roads of any width, and adjoining road clearing and powerline clearing of any width.

Goal: A concise statement that describes a desired condition to be achieved sometime in the future. It is normally expressed in broad, general terms and is timeless in that it has no specific date by which it is to be completed. Goal statements form the principal basis from which objectives are developed.

Goods and services: The various outputs, including on-site uses, produced from forest and rangeland resources.

Integrated pest management: A process for selecting strategies to regulate forest pests in which all aspects of a pest-host system are studied and weighed. The information considered in selecting appropriate strategies includes the impact of the unregulated pest population on various resources values, alternative regulatory tactics and strategies, and benefit/cost estimates for these alternative strategies. Regulatory strategies are based on sound silvicultural practices and ecology of the pest-host system and consist of a combination of tactics such as timber stand improvement plus selective use of pesticides. A basic principle in the choice of strategy is that it be ecologically compatible or acceptable.

Long-term sustained-yield timber capacity: The highest uniform wood yield from lands being managed for timber production that may be sustained under a specified management intensity consistent with multiple-use objectives.

Management concern: An issue, problem, or a condition which constrains the range of management practices identified by the Forest Service in the planning process.

Management direction: A statement of multiple-use and other goals and objectives, the associated management prescriptions, and standards and guidelines for attaining them.

Management intensity: A management practice or combination of management practices and associated costs designed to obtain different levels of goods and services.

Management practice: A specific activity, measure, course of action, or treatment.

Management prescription: Management practices and intensity selected and scheduled for application on a specific area to attain multiple-use and other goals and objectives.

Multiple use: The management of all the various renewable surface resources of the National Forest System so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some lands will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

Net public benefits: An expression used to signify the overall long-term value to the nation of all outputs and positive effects (benefits) less all associated inputs and negative effects (costs) whether they can be quantitatively valued or not. Net public benefits are measured by both quantitative and qualitative criteria rather than a single measure or index. The maximization of net public benefits to be derived from management of units of the National Forest System is consistent with the principles of multiple use and sustained yield.

Objective: A concise, time-specific statement of measurable planned results that respond to pre-established goals. An objective forms the basis for further planning to define the precise steps to be taken and the resources to be used in achieving identified goals.

Planning area: The area of the National Forest System covered by a regional guide or forest plan.

Planning period: One decade. The time interval within the planning horizon that is used to show incremental changes in yields, costs, effects, and benefits.

Planning horizon: The overall time period considered in the planning process that spans all activities covered in the analysis or plan and all future conditions and effects of proposed actions which would influence the planning decisions.

Present net value: The difference between the discounted value (benefits) of all outputs to which monetary values or established market prices are assigned and the total discounted costs of managing the planning area.

Public issue: A subject or question of widespread public interest relating to management of the National Forest System.

Real dollar value: A monetary value which compensates for the effects of inflation.

Receipt shares: The portion of receipts derived from Forest Service resource management that is distributed to State and county governments, such as the Forest Service 25 percent fund payments.

Responsible line officer: The Forest Service employee who has the authority to select and/or carry out a specific planning action.

Sale schedule: The quantity of timber planned for sale by time period from an area of suitable land covered by a forest plan. The first period, usually a decade, of the selected sale schedule provides the allowable sale quantity. Future periods are shown to establish that long-term sustained yield will be achieved and maintained.

Silvicultural system: A management process whereby forests are tended, harvested, and replaced, resulting in a forest of distinctive form. Systems are classified according to the method of carrying out the fellings that remove the mature crop and provide for regeneration and according to the type of forest thereby produced.

Suitability: The appropriateness of applying certain resource management practices to a particular area of land, as determined by an analysis of the economic and environmental consequences and the alternative uses foregone. A unit of land may be suitable for a variety of individual or combined management practices.

Sustained-yield of products and services: The achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various

renewable resources of the National Forest System without impairment of the productivity of the land.

Timber production: The purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use. For purposes of this subpart, the term "timber production" does not include production of fuelwood.

Uneven-aged management: The application of a combination of actions needed to simultaneously maintain continuous high-forest cover, recurring regeneration of desirable species, and the orderly growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products. Cutting is usually regulated by specifying the number or proportion of trees of particular sizes to retain within each area, thereby maintaining a planned distribution of size classes. Cutting methods that develop and maintain uneven-aged *43040 stands are single-tree selection and group selection.

36 CFR § 219.4

§ 219.4 Planning levels.

(a) *General guideline.* Planning requires a continuous flow of information and management direction among the three Forest Service administrative levels: national, regional, and forest. Management direction shall: (1) Include requirements for analysis to determine programs that maximize net public benefits, consistent with locally derived information about production capabilities; (2) reflect production capabilities, conditions and circumstances observed at all levels; and (3) become increasingly specific as planning progresses from the national to the forest level. In this structure, regional planning is a principal process for conveying management direction from the national level to the forest level and for conveying information from forest level to the national level. The planning process is essentially iterative in that the information from the forest level flows up to the national level where in turn information in the RPA Program flows back to the forest level.

(b) *Planning levels and relationships.--(1) National.* The Chief of the Forest Service, shall develop the Renewable Resource Assessment and Program (hereafter, "RPA Assessment and RPA Program") according to Sections 3 and 4 of the RPA.

(b) (i) *RPA Assessment.* The RPA Assessment shall include analysis of present and anticipated uses, demand for, and supply of the renewable resources of forest, range, and other associated lands with consideration of, and an emphasis on, pertinent supply, demand, and price relationship trends; an inventory of present and potential renewable resources and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government; a description of Forest Service programs and responsibilities in research, cooperative programs, and management of the National Forest System; and analysis of important policy issues and consideration of laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands. The RPA Assessment shall be based on the future capabilities of forest and rangelands and shall include information generated during the regional, forest, and other planning processes.

(b) (ii) *RPA Program.* The RPA Program shall consider the costs of supply and the relative values of both market and nonmarket outputs. The alternatives considered shall include national renewable resource goals and quantified objectives for

resource outputs and other benefits and shall be designed to represent a range of expenditure levels sufficient to demonstrate full opportunities for management. A portion of each national objective developed in the RPA Program shall be distributed to each region and be incorporated into each regional guide. Resource objectives shall be tentatively selected for each forest planning area. In formulating the objectives for each region and forest planning area, local supply capabilities and market conditions will be considered.

(b)(ii)(2) *Regional*. Each Regional Forester shall develop a regional guide. Regional guides shall establish regional standards and guidelines as required by [§ 219.9\(a\)](#). Consistent with resource capabilities, regional guides shall reflect goals and objectives of the RPA Program. For planning purposes, the regional guides shall display tentative resource objectives for each Forest from the RPA Program. Regional guides shall also provide for general coordination of National Forest System, State and Private Forestry (S&PF), and Research programs. The Chief shall approve the regional guide. The Regional Forester may request adjustment of assigned regional objectives. Any adjustment shall require the approval of the Chief, Forest Service.

(b)(ii)(3) *Forest*. Each Forest Supervisor shall develop a forest plan for administrative units of the National Forest System. One forest plan may be prepared for all lands for which a Forest Supervisor has responsibility; or separate forest plans may be prepared for each National Forest, or combination of National Forests, within the jurisdiction of a single Forest Supervisor. A single forest plan may be prepared for the entire Tongass National Forest. These forest plans shall constitute the land and resource management plans as required under Sections 6 and 13 of the RPA. A range of resource objectives shall be formulated as alternatives and evaluated, including at least one alternative which responds to and incorporates the tentative RPA Program resource objectives displayed in the regional guide. Based on this evaluation, the Forest Supervisor shall recommend objectives for incorporation into the forest plan to the Regional Forester. The Regional Forester shall approve the forest plan. This approval may incorporate adjustment of the tentative RPA Program resource objectives displayed in the regional guide.

[36 CFR § 219.5](#)

[§ 219.5](#) Interdisciplinary approach.

(a) A team representing several disciplines shall be used for regional and forest planning to insure coordinated planning of the various resources. Through interactions among its members, the team shall integrate knowledge of the physical, biological, economic and social sciences, and the environmental design arts in the planning process. The team shall consider problems collectively, rather than separating them along disciplinary lines. Team functions include, but are not limited to--

(a)(1) Assessing the problems and resource use and development opportunities associated with providing goods and services;

(a)(2) Obtaining the public's views about possible decisions;

(a)(3) Implementing the planning coordination activities within the Forest Service and with local, State and other Federal agencies;

(a)(4) Developing a broad range of alternatives which identify the benefits and costs of land and resource management according to the planning process described in this subpart.

(a) (5) Developing the land and resource management plan and associated environmental impact statement required pursuant to the planning process;

(a) (6) Presenting to the responsible line officer an integrated perspective on land and resource management planning; and

(a) (7) Establishing the standards and requirements by which planning and management activities will be monitored and evaluated.

(b) In appointing team members, the responsible line officer shall determine and consider the qualifications of each team member on the basis of the complexity of the issues and concerns to be addressed through the plan. The team shall collectively represent diverse specialized areas of professional and technical knowledge applicable to the planning area, and the team members shall have recognized relevant expertise and experience in professional, investigative, scientific, or other responsible work in specialty areas which they collectively represent. The team may consist of whatever combination of Forest Service staff and other Federal government personnel is necessary to achieve an interdisciplinary approach. The team is encouraged to consult other persons when required specialized knowledge does not exist within the team itself. In ***43041** addition to technical knowledge in one or more resource specialties, members should possess other attributes which enhance the interdisciplinary process. As a minimum, these attributes should include--

(b) (1) An ability to solve complex problems;

(b) (2) Skills in communication and group interaction;

(b) (3) Basic understanding of land and natural resource planning concepts, processes, and analysis techniques; and

(b) (4) The ability to conceptualize planning problems and feasible solutions.

36 CFR § 219.6

§ 219.6 Public participation.

(a) Because the land and resource management planning process determines how the lands of the National Forest System are to be managed, the public is encouraged to participate throughout the planning process. The intent of public participation is to--

(a) (1) Broaden the information base upon which land and resource management planning decisions are made;

(a) (2) Ensure that the Forest Service understands the needs, concerns, and values of the public;

(a) (3) Inform the public of Forest Service land and resource planning activities; and

(a) (4) Provide the public with an understanding of Forest Service programs and proposed actions.

(b) Provide participation in the preparation of environmental impact statements for planning begins with the publication of a notice of intent in the Federal Register. Public involvement in the preparation of draft and final environmental impact

statements shall conform to the requirements of the National Environmental Policy Act and associated implementing regulations and Forest Service Manual and Handbook guidance (hereafter, "NEPA procedures"). Public comments shall be analyzed according to NEPA procedures.

(c) Public participation activities, as deemed appropriate by the responsible line officer, shall be used early and often throughout the development of plans. Formal public participation activities will begin with a notice to the news media and other sources which includes, as appropriate, the following information:

(c)(1) A description of the proposed planning action;

(c)(2) A description and map of the geographic area affected;

(c)(3) The issues expected to be discussed;

(c)(4) The kind, extent, and method(s) of public participation to be used;

(c)(5) The times, dates, and locations scheduled or anticipated, for public meetings;

(c)(6) The name, title, address, and telephone number of the Forest Service official who may be contacted for further information; and

(c)(7) The location and availability of documents relevant to planning process.

(d) Public participation activities should be appropriate to the area and people involved. Means of notification should be appropriate to the level of planning. Public participation activities may include, but are not limited to, requests for written comments, meetings, conferences, seminars, workshops, tours, and similar events designed to foster public review and comment. The Forest Service shall state the objectives of each participation activity to assure that the public understands what type of information is needed and how this information relates to the planning process.

(e) Public comments shall be considered individually and by type of group and organization to determine common areas of concern and geographic distribution. The result of this analysis should be evaluated to determine the variety and intensity of viewpoints about ongoing and proposed planning and management standards and guidelines.

(f) All scheduled public participation activities shall be documented by a summary of the principal issues discussed, comments made, and a register of participants.

(g) At least 30 days' public notice shall be given for public participation activities associated with the development of regional guides and forest plans. Any notice requesting written comments on regional planning shall allow at least 60 calendar days for response. A similar request on forest planning shall allow at least 30 calendar days for response. Draft regional guides and forest plans and environmental impact statements shall be available for public comment for a least 3 months. See also [§§ 219.8\(c\)](#) and [219.10\(b\)](#).

(h) The responsible line officer shall attend, or provide for adequate representation at, public participation activities.

(i) Copies of approved guides and plans shall be available for public review as follows:

(Cite as: 47 FR 43026)

(i)(1) The RPA Assessment and the RPA Program shall be available at national headquarters, The Northeastern Area State and Private Forestry Office, and all Regional offices, Research Stations, Forest Supervisors' offices, and District Rangers' offices;

(i)(2) The regional guides shall be available at national headquarters, the issuing regional office and regional offices of contiguous regions, each Forest Supervisor's office of forests within and contiguous to the issuing region, and each District Ranger's office in the region;

(i)(3) The forest plan shall be available at the regional office for the forest, the Forest Supervisor's office, Forest Supervisors' offices contiguous to the forest, District Rangers' offices within the forest, and at least one additional location, to be determined by the Forest Supervisor, which shall offer convenient access to the public.

These documents may be made available at other locations convenient to the public.

(j) Documents considered in the development of plans shall be available at the office where the plans were developed.

(k) Forest planning activities should be coordinated to the extent practicable with owners of lands that are intermingled with, or dependent for access upon, National Forest System lands. The results of this coordination shall be included in the environmental impact statement for the plan as part of the review required in [§ 219.7\(c\)](#). The responsible line officer may individually notify these owners of forest planning activities where it is determined that notice provided for the general public is not likely to reach the affected landowners.

(l) Fees for reproducing requested documents shall be charged according to the Secretary of Agriculture's Fee Schedule (7 CFR Part 1, Subpart A, Appendix A).

[36 CFR § 219.7](#)

[§ 219.7](#) Coordination with other public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.

(b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the State Clearinghouse for circulation among State agencies as specified in OMB Circular A-95. The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted and to the heads of units of government for the counties involved. These notices *43042 shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures ([40 CFR 1501.7](#)).

(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan ([40 CFR 1502.16\(c\)](#), [1506.2](#)). The review shall include--

(c)(1) Consideration of the objectives of other Federal, State and local governments, and Indians tribes, as expressed in their plans and policies;

(c) (2) An assessment of the interrelated impacts of these plans and policies;

(c) (3) A determination of how each Forest Service plan should deal with the impacts identified; and,

(c) (4) Where conflicts with Forest Service planning are identified, consideration of alternatives for their resolution.

(d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative. Such conferences may be held in conjunction with other public participation activities, if the opportunity for government officials to participate in the planning process is not thereby reduced.

(e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.

(f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.

36 CFR § 219.8

§ 219.8 Regional planning procedure.

(a) *Regional guide.* A regional guide shall be developed for each administratively designated Forest Service region. Regional guides shall reflect general coordination of National Forest System, State and Private Forestry, and Research programs. Regional guides shall provide standards and guidelines for addressing major issues and management concerns which need to be considered at the regional level to facilitate forest planning. Public participation and coordination, the current RPA Program and Assessment, and the existing forest and resource plans shall be used as sources of information in meeting this requirement. Data and information requirements established nationally will be followed in structuring and maintaining required data.

(b) *Responsibilities.*--(1) *Chief, Forest Service.* The Chief shall establish agency-wide policy for regional planning and approve all regional guides.

(b) (2) *Regional Forester.* The Regional Forester has overall responsibility for preparing and implementing the regional guide and for preparing the environmental impact statement for proposed standards and guidelines in the regional guide. The Regional Forester appoints and supervises the interdisciplinary team.

(b) (3) *Interdisciplinary Team.* The team, under the direction of the Regional Forester, implements the public participation and coordination activities required by § 219.6 and § 219.7. The team shall continue to function even though membership may change and shall monitor and evaluate planning results and recommend amendments.

The team shall develop a regional guide in compliance with NEPA procedures.

(c) *Public review.* A draft and final environmental impact statement shall be prepared for the proposed standards and guidelines in the regional guide according to NEPA procedures. To the extent feasible, a single process shall be used to meet planning and NEPA requirements. The draft statement shall identify a preferred alternative. Beginning on the date of publication of the notice of availability of the draft environmental impact statement in the Federal Register, the statement and the proposed guide shall be available for public comment for at least 3 months at convenient locations in the vicinity of the lands covered by the guide. During this period, and in accordance with the provisions in [§ 219.6](#), the Regional Forester or his designee shall publicize and hold public participation activities as deemed necessary for adequate public input.

(d) *Guide approval.* The Chief shall review the proposed guide and the final environmental impact statement and either approve or disapprove the guide.

(d)(1) *Approval.* The Chief shall prepare a concise public record of decision which documents approval and accompanies the regional guide and the final environmental impact statement. The record or decision shall be prepared according to NEPA procedures ([40 CFR 1505.2](#)). The approved regional guide shall not become effective until at least 30 days after publication of the notice of availability of the final environmental impact statement in the Federal Register.

(d)(2) *Disapproval.* The Chief shall return the regional guide and final environmental impact statement to the Regional Forester with a written statement of the reasons for disapproval. The Chief may also specify a course of action to be undertaken by the Regional Forester in order to remedy deficiencies, errors, or omissions in the regional guide or environmental impact statement.

(e) *Public appeal of approval decisions.* The provisions of 36 CFR 211, Subpart B apply to any administrative appeal of the Chief's decision to approve a regional guide. Decisions to disapprove a guide and other decisions made during the regional planning process prior to issuance of a record of decision approving the guide are not subject to administrative appeal.

(f) *Amendment.* The Regional Forester may amend the regional guide. The Regional Forester shall determine whether the proposed amendment would result in a significant change in the guide. If the change resulting from the proposed amendment is determined to be significant, the Regional Forester shall follow the same procedure for amendment as that required for development and approval of a regional guide. If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Regional Forester may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures.

(g) *Planning records.* The Regional Forester shall develop and maintain planning records that document decisions and activities that result from the process of developing a regional guide and the accomplishment of legal and administrative planning requirements. These records include at least the draft environmental impact statement, final environmental impact statement, regional guide, record of ***43043** decision, a work plan to guide and manage planning, the procedures used in completing each action, and the results of these actions.

§ 219.9 Regional guide content.

(a) The regional guide shall contain--

(a)(1) A summary of the analysis of the regional management situation, including a brief description of the existing management situation and the major issues and management concerns which need to be addressed at the regional level to facilitate forest planning;

(a)(2) A description of management direction including programs, goals, and objectives;

(a)(3) A display of tentative resource objectives for each forest planning area from the current RPA Program;

(a)(4) New or significantly changed regional management standards and guidelines necessary to address major regional issues and management concerns identified in paragraph (a)(1) of this section;

(a)(5) Specific standards and guidelines for the following--

(a)(5)(i) Prescribing appropriate harvest cutting methods to be used within the region according to geographic areas, forest types, or other suitable classifications;

(a)(5)(ii) Establishing the maximum size, dispersal, and size variation of tree openings created by even-aged management, and the state of vegetation that will be reached before a cut-over area is no longer considered an opening, using factors enumerated in § 219.27(d);

(a)(5)(iii) Defining the management intensities and utilization standards to be used in determining harvest levels for the region;

(a)(5)(iv) Designating transportation corridors and associated direction for forest planning, such as management requirements for corridors, transmission lines, pipelines, and water canals. (The designation of corridors is not to preclude the granting of separate rights-of-way over, upon, under, or through the Federal lands where the authorized line officer determines that confinement to a corridor is not appropriate.) (43 U.S.C. 1763, 36 CFR 251.56); and

(a)(5)(v) Identifying in forest plans significant current and potential air pollution emissions from management activities and from other sources in and around the forest planning area and identifying measures needed to coordinate air quality control with appropriate air quality regulation agencies.

(a)(6) A description of the monitoring and evaluation necessary to determine and report achievements and effects of the guide.

(a)(7) A description of measures to achieve coordination of National Forest System, State and Private Forestry, and Research programs.

(b) Existing regional standards and guidelines that are part of the Forest Service directives system, and that are not altered or superseded in the course of complying with § 219.9(a)(4), shall remain in effect.

§ 219.10 Forest planning--general procedure.

(a) *Responsibilities.*--(1) *Regional Forester.* The Regional Forester shall establish regional policy for forest planning and approve all forest plans in the region.

(a)(2) *Forest Supervisor.* The Forest Supervisor has overall responsibility for the preparation and implementation of the forest plan and preparation of the environmental impact statement for the forest plan. The Forest Supervisor appoints and supervises the interdisciplinary team.

(a)(3) *Interdisciplinary team.* The team, under the direction of the Forest Supervisor, implements the public participation and coordination activities required by § 219.6 and § 219.7. The team shall continue to function even though membership may change and shall monitor and evaluate planning results and recommend revisions and amendments. The interdisciplinary team shall develop a forest plan and environmental impact statement using the process established in § 219.12 and paragraph (b) below.

(b) *Public review of plan and environmental impact statement.* A draft and final environmental impact statement shall be prepared for the proposed plan according to NEPA procedures. The draft environmental impact statement shall identify a preferred alternative. To comply with 16 U.S.C. 1604(d), the draft environmental impact statement and proposed plan shall be available for public comment for at least 3 months, at convenient locations in the vicinity of the lands covered by the plan, beginning on the date of the publication of the notice of availability in the Federal Register. During this period, and in accordance with the provisions in § 219.6, the Forest Supervisor shall publicize and hold public participation activities as deemed necessary to obtain adequate public input.

(c) *Plan approval.* The Regional Forester shall review the proposed plan and the final environmental impact statement and either approve or disapprove the plan.

(c)(1) *Approval.* The Regional Forester shall prepare a concise public record of decision which documents approval and accompanies the plan and final environmental impact statement. The record of decision shall be prepared according to NEPA procedures (40 CFR 1505.2). The approved plan shall not become effective until at least 30 days after publication of the notice of availability of the final environmental impact statement in the Federal Register, to comply with 16 U.S.C. 1604(d) and 1604(j).

(c)(2) *Disapproval.* The Regional Forester shall return the plan and final environmental impact statement to the Forest Supervisor with a written statement of the reasons for disapproval. The Regional Forester may also specify a course of action to be undertaken by the Forest Supervisor in order to remedy deficiencies, errors, or omissions in the plan or environmental impact statement.

(d) *Public appeal of approval decision.* The provisions of 36 CFR Part 211, Subpart B apply to any administrative appeal of the Regional Forester's decision to approve a forest plan. Decisions to disapprove a plan and other decisions made during the forest planning process prior to the issuance of a record of decision approving the plan are not subject to administrative appeal.

(e) *Plan implementation.* As soon as practicable after approval of the plan, the Forest Supervisor shall ensure that, subject to valid existing rights, all outstanding and future permits, contracts, cooperative agreements, and other instruments for occupancy and use of affected lands are consistent with the plan.

Subsequent administrative activities affecting such lands, including budget proposals, shall be based on the plan. The Forest Supervisor may change proposed implementation schedules to reflect differences between proposed annual budgets and appropriated funds. Such scheduled changes shall be considered an amendment to the forest plan, but shall not be considered a significant amendment, or require the preparation of an environmental impact statement, unless the changes significantly alter the long-term relationship between levels of multiple-use goods and services projected under planned budget proposals as compared to those projected under actual appropriations.

(f) *Amendment.* The Forest Supervisor may amend the forest plan. Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the Forest Supervisor shall determine whether a proposed amendment would *43044 result in a significant change in the plan. If the change resulting from the proposed amendment is determined to be significant, the Forest Supervisor shall follow the same procedure as that required for development and approval of a forest plan. If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Forest Supervisor may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures.

(g) *Revision.* A forest plan shall ordinarily be revised on a 10-year cycle or at least every 15 years. It also may be revised whenever the Forest Supervisor determines that conditions or demands in the area covered by the plan have changed significantly or when changes in RPA policies, goals, or objectives would have a significant effect on forest level programs. In the monitoring and evaluation process, the interdisciplinary team may recommend a revision of the forest plan at any time. Revisions are not effective until considered and approved in accordance with the requirements for the development and approval of a forest plan. The Forest Supervisor shall review the conditions on the land covered by the plan at least every 5 years to determine whether conditions or demands of the public have change significantly.

(h) *Planning records.* The Forest Supervisor and interdisciplinary team shall develop and maintain planning records that document the decisions and activities that result from the process of developing a forest plan. Records that support analytical conclusions made and alternatives considered by the team and approved by the Forest Supervisor throughout the planning process shall be maintained. Such supporting records provide the basis for the development of the forest plan and associated documents required by NEPA procedures.

36 CFR § 219.11

§ 219.11 Forest plan content.

The forest plan shall contain the following:

(a) A brief summary of the analysis of the management situation, including demand and supply conditions for resource commodities and services, production potentials, and use and development opportunities;

(b) Forest multiple-use goals and objectives that include a description of the desired future condition of the forest or grassland and an identification of the quantities of goods and services that are expected to be produced or provided during the RPA planning periods;

(c) Multiple-use prescriptions and associated standards and guidelines for each

management area including proposed and probable management practices such as the planned timber sale program; and

(d) Monitoring and evaluation requirements that will provide a basis for a periodic determination and evaluation of the effects of management practices.

36 CFR § 219.12

§ 219.12 Forest planning--process.

(a) *General requirements.* The preparation, revision, or significant amendment of a forest plan shall comply with the requirements established in this section. The planning process includes at least those actions set forth in paragraphs (b) through (k) of the section. Some actions may occur simultaneously, and it may be necessary to repeat an action as additional information becomes available. The environmental impact statement for each forest plan shall be prepared according to NEPA procedures. To the extent feasible, a single process shall be used to meet planning and NEPA requirements.

(b) *Identification of purpose and need.* The interdisciplinary team shall identify and evaluate public issues, management concerns, and resource use and development opportunities, including those identified throughout the planning process during public participation activities and coordination with other Federal agencies, State and local governments, and Indian tribes. The Forest Supervisor shall determine the major public issues, management concerns, and resource use and development opportunities to be addressed in the planning process.

(c) *Planning criteria.* Criteria shall be prepared to guide the planning process. Criteria apply to collection and use of inventory data and information, analysis of the management situation, and the design, formulation, and evaluation of alternatives. Criteria designed to achieve the objective of maximizing net public benefits shall be included. Specific criteria may be derived from--

(c)(1) Laws, Executive Orders, regulations, and agency policy as set forth in the Forest Service Manual;

(c)(2) Goals and objectives in the RPA Program and regional guides;

(c)(3) Recommendations and assumptions developed from public issues, management concerns, and resource use and development opportunities;

(c)(4) The plans and programs of other Federal agencies, State and local governments, and Indian tribes;

(c)(5) Ecological, technical, and economic factors; and

(c)(6) The resource integration and management requirements in §§ 219.13 through 219.27.

(d) *Inventory data and information collection.* Each Forest Supervisor shall obtain and keep current inventory data appropriate for planning and managing the resources under his or her administrative jurisdiction. The Supervisor will assure that the interdisciplinary team has access to the best available data. This may require that special inventories or studies be prepared. The interdisciplinary team shall collect, assemble, and use data, maps, graphic material, and explanatory aids, of a kind, character, and quality, and to the detail appropriate for the management decisions to be made. Data and information needs may vary as planning problems

develop from identification of public issues, management concerns, and resource use and development opportunities. Data shall be stored for ready retrieval and comparison and periodically shall be evaluated for accuracy and effectiveness. The interdisciplinary team will use common data definitions and standards established by the Chief of the Forest Service to assure uniformity of information between all planning levels. As information is recorded, it shall be applied in any subsequent planning process. Information developed according to common data definitions and standards shall be used in the preparation of the 1990, and subsequent RPA Assessments and RPA Programs.

(e) *Analysis of the management situation.* The analysis of the management situation is a determination of the ability of the planning area covered by the forest plan to supply goods and services in response to society's demands. The primary purpose of this analysis is to provide a basis for formulating a broad range of reasonable alternatives. The analysis may examine the capability of the unit to supply outputs both with and without legal and other requirements. As a minimum, the analysis of the management situation shall include the following:

(e)(1) Benchmark analyses to define the range within which alternatives can be constructed. Budgets shall not be a constraint. The following benchmark analyses shall be consistent with the minimum applicable management requirements of § 219.27 and shall define at least--

(e)(1)(i) The minimum level of management which would be needed to maintain and protect the unit as part of the National Forest System together with associated costs and benefits;

***43045** (e)(1)(ii) The maximum physical and biological production potentials of significant individual goods and services together with associated costs and benefits;

(e)(1)(iii) Monetary benchmarks which estimate the maximum present net value of those resources having an established market value or an assigned value;

(e)(1)(iii)(A) For forest planning areas with major resource outputs that have an established market price, monetary benchmarks shall include an estimate of the mix of resource uses, combined with a schedule of outputs and costs, which will maximize the present net value of those major outputs that have an established market price;

(e)(1)(iii)(B) For all forest planning areas, monetary benchmarks shall include an estimate of the mix of resource uses, combined with a schedule of outputs and costs, which will maximize the present net value of those major outputs that have an established market price or are assigned a monetary value;

(e)(1)(iii)(C) For forest planning areas with a significant timber resource, estimates for paragraphs (e)(1)(iii)(A) and (B) of this section shall be developed both with and without meeting the requirements for compliance with a base sale schedule of timber harvest, as described in § 219.16(a)(1), and with and without scheduling the harvest of even-aged stands generally at or beyond culmination of mean annual increment of growth, as described in § 219.16(a)(2)(iii).

(e)(1)(iii)(D) Estimates for paragraphs (e)(1)(iii)(A) and (B) of this section shall be developed both with and without other constraints when needed to address major public issues, management concerns, or resource opportunities identified during the planning process.

(e) (2) The current level of goods and services provided by the unit and the most likely amount of goods and services expected to be provided in the future if current management direction continues; this will be the same analysis as that required by [§ 219.12\(f\)\(5\)](#).

(e) (3) Projections of demand using best available techniques, with both price and nonprice information. To the extent practical, demand will be assessed as price-quantity relationships.

(e) (4) A determination of the potential to resolve public issues and management concerns.

(e) (5) Based on consideration of data and findings developed in paragraphs (e) (1)-(e) (4) (4), a determination of the need to establish or change management direction.

(f) *Formulation of alternatives.* The interdisciplinary team shall formulate a broad range of reasonable alternatives according to NEPA procedures. The primary goal in formulating alternatives, besides complying with NEPA procedures, is to provide an adequate basis for identifying the alternative that comes nearest to maximizing net public benefits, consistent with the resource integration and management requirements of §§ 219.13 through 219.27.

(f) (1) Alternatives shall be distributed between the minimum resource potential and the maximum resource potential to reflect to the extent practicable the full range of major commodity and environmental resource uses and values that could be produced from the forest. Alternatives shall reflect a range of resource outputs and expenditure levels.

(f) (2) Alternatives shall be formulated to facilitate analysis of opportunity costs and of resource use and environmental trade-offs among alternatives and between benchmarks and alternatives.

(f) (3) Alternatives shall be formulated to facilitate evaluation of the effects on present net value, benefits, and costs of achieving various outputs and values that are not assigned monetary values, but that are provided at specified levels.

(f) (4) Alternatives shall provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during the planning process.

(f) (5) Reasonable alternatives which may require a change in existing law or policy to implement shall be formulated if necessary to address a major public issue, management concern, or resource opportunity identified during the planning process ([40 CFR 1501.7](#), [1502.14\(c\)](#)).

(f) (6) At least one alternative shall be developed which responds to and incorporates the RPA Program tentative resource objectives for each forest displayed in the regional guide.

(f) (7) At least one alternative shall reflect the current level of goods and services provided by the unit and the most likely amount of goods and services expected to be provided in the future if current management direction continues. Pursuant to NEPA procedures, this alternative shall be deemed the "no action" alternative.

(f) (8) Each alternative shall represent to the extent practicable the most cost

efficient combination of management prescriptions examined that can meet the objectives established in the alternative.

(f) (9) Each alternative shall state at least--

(f) (9) (i) The condition and uses that will result from long-term application of the alternative;

(f) (9) (ii) The goods and services to be produced, the timing and flow of these resource outputs together with associated costs and benefits;

(f) (9) (iii) Resource management standards and guidelines; and

(f) (9) (iv) The purposes of the management direction proposed.

(g) *Estimated effects of alternatives.* The physical, biological, economic, and social effects of implementing each alternative considered in detail shall be estimated and compared according to NEPA procedures. These effects include those described in NEPA procedures ([40 CFR 1502.14](#) and [1502.16](#)) and at least the following:

(g) (1) The expected outputs for the planning periods, including appropriate marketable goods and services, as well as nonmarket items, such as recreation and wilderness use, wildlife and fish, protection and enhancement of soil, water, and air, and preservation of aesthetic and cultural resource values;

(g) (2) The relationship of expected outputs to the RPA Program tentative resource objectives for the forest displayed in the current regional guide;

(g) (3) Direct and indirect benefits and costs, analyzed in sufficient detail to estimate--

(g) (3) (i) the expected real-dollar costs (discounted when appropriate), including investment, administrative, and operating costs of the agency and all other public and private costs required to manage the forest up to the point where the outputs are valued and the environmental consequences are realized;

(g) (3) (ii) the expected real-dollar value (discounted when appropriate) of all outputs attributable to each alternative to the extent that monetary values can be assigned to nonmarket goods and services, using quantitative and qualitative criteria when monetary values may not reasonably be assigned;

(g) (3) (iii) the economic effects of alternatives, including impacts on present net value, total receipts to the Federal Government, direct benefits to users that are not measured in receipts to the Federal Government, receipt shares to State and local governments, income, and employment in affected areas; and

(g) (3) (iv) the monetary opportunity costs (changes in present net value) associated with those management standards and resource outputs in each alternative that were not assigned monetary values but were provided at specified levels, compared with the maximum present net value benchmarks developed in [§ 219.12\(e\)\(1\)\(iii\)](#).

***43046** (g) (4) The significant resource tradeoffs and opportunity costs associated with achieving alternative resource objectives.

(h) *Evaluation of alternatives:* Using planning criteria, the interdisciplinary team

shall evaluate the significant physical, biological, economic, and social effects of each management alternative that is considered in detail. The evaluation shall include a comparative analysis of the aggregate effects of the management alternatives and shall compare present net value, social and economic impacts, outputs of goods and services, and overall protection and enhancement of environmental resources.

(i) *Preferred alternative recommendation.* The Forest Supervisor shall review the interdisciplinary team's evaluation and shall recommend to the Regional Forester a preferred alternative to be identified in the draft environmental impact statement and displayed as the proposed plan.

(j) *Plan approval.* The Regional Forester shall review the proposed plan and final environmental impact statement and either approve or disapprove the plan in accordance with § 219.10(c). The record of decision for approval of a plan shall include, in addition to the requirements of NEPA procedures (40 CFR 1505.2), a summarized comparison of the selected alternative with:

(j)(1) Any other alternative considered which is environmentally preferable to the selected alternative; and

(j)(2) Any other alternative considered which comes nearer to maximizing present net value.

(k) *Monitoring and evaluation.* At intervals established in the plan, implementation shall be evaluated on a sample basis to determine how well objectives have been met and how closely management standards and guidelines have been applied. Based upon this evaluation, the interdisciplinary team shall recommend to the Forest Supervisor such changes in management direction, revisions, or amendments to the forest plan as are deemed necessary. Monitoring requirements identified in the forest plan shall provide for--

(k)(1) A quantitative estimate of performance comparing outputs and services with those projected by the forest plan;

(k)(2) Documentation of the measured prescriptions and effects, including significant changes in productivity of the land; and

(k)(3) Documentation of costs associated with carrying out the planned management prescriptions as compared with costs estimated in the forest plan.

(k)(4) A description of the following monitoring activities:

(k)(4)(i) The actions, effects, or resources to be measured, and the frequency of measurements;

(k)(4)(ii) Expected precision and reliability of the monitoring process; and

(k)(4)(iii) The time when evaluation will be reported.

(k)(5) A determination of compliance with the following standards:

(k)(5)(i) Lands are adequately restocked as specified in the forest plan;

(k)(5)(ii) Lands identified as not suited for timber production are examined at least every 10 years to determine if they have become suited; and that, if determined suited, such lands are returned to timber production;

(k) (5) (iii) Maximum size limits for harvest areas are evaluated to determine whether such size limits should be continued; and

(k) (5) (iv) Destructive insects and disease organisms do not increase to potentially damaging levels following management activities.

36 CFR § 219.13

§ 219.13 Forest planning--resource integration requirements.

The minimum requirements for integrating individual forest resource planning into the forest plan are established in §§ 219.14 through 219.26 of this subpart. For the purposes of meeting the requirements of § 219.12(c), additional planning criteria may be found in the guidelines for managing specific resources set forth in the Forest Service Manual and Handbooks.

36 CFR § 219.14

§ 219.14 Timber resource land suitability.

During the forest planning process, lands which are not suited for timber production shall be identified in accordance with the criteria in paragraphs (a) through (d) of this section.

(a) During the analysis of the management situation, data on all National Forest System lands within the planning area shall be reviewed, and those lands within any one of the categories described in paragraphs (a) (1) through (4) of this section shall be identified as not suited for timber production--

(a) (1) The land is not forest land as defined in § 219.3.

(a) (2) Technology is not available to ensure timber production from the land without irreversible resource damage to soils productivity, or watershed conditions.

(a) (3) There is not reasonable assurance that such lands can be adequately restocked as provided in § 219.27(c) (3).

(a) (4) The land has been withdrawn from timber production by an Act of Congress, the Secretary of Agriculture or the Chief of the Forest Service.

(b) Forest lands other than those that have been identified as not suited for timber production in paragraph (a) of this section shall be further reviewed and assessed prior to formulation of alternatives to determine the costs and benefits for a range of management intensities for timber production. For the purpose of analysis, the planning area shall be stratified into categories of land with similar management costs and returns. The stratification should consider appropriate factors that influence the costs and returns such as physical and biological conditions of the site and transportation requirements. This analysis shall identify the management intensity for timber production for each category of land which results in the largest excess of discounted benefits less discounted costs and shall compare the direct costs of growing and harvesting trees, including capital expenditures required for timber production, to the anticipated receipts to the government, in accordance with § 219.12 and paragraphs (b) (1) through (b) (3) of this section.

(b) (1) Direct benefits are expressed as expected gross receipts to the government. Such receipts shall be based upon expected stumpage prices and payments-in-kind

from timber harvest considering future supply and demand situation for timber and upon timber production goals of the regional guide.

(b)(2) Direct costs include the anticipated investments, maintenance, operating, management, and planning costs attributable to timber production activities, including mitigation measures necessitated by the impacts of timber production.

(b)(3) In addition to long-term yield, the financial analysis must consider costs and returns of managing the existing timber inventory.

(c) During formulation and evaluation of each alternative as required in § 219.12 (f) and (g), combinations of resource management prescriptions shall be defined to meet management objectives for the various multiple uses including outdoor recreation, timber, watershed, range, wildlife and fish, and wilderness. The formulation and evaluation of each alternative shall consider the costs and benefits of alternative management intensities for timber production as identified pursuant to paragraph (b) of this section in accordance with § 219.12 (f). Lands shall *43047 be tentatively identified as not appropriate for timber production to meet objectives of the alternative being considered if--

(c)(1) Based upon a consideration of multiple-use objectives for the alternative, the land is proposed for resource uses that preclude timber production, such as wilderness;

(c)(2) Other management objectives for the alternative limit timber production activities to the point where management requirements set forth in § 219.27 cannot be met; or

(c)(3) The lands are not cost-efficient, over the planning horizon, in meeting forest objectives, which include timber production.

(d) Lands identified as not suited for timber production in paragraph (a) of this section and lands tentatively identified as not appropriate for timber production in paragraph (c) of this section shall be designated as not suited for timber production in the preferred alternative. Designation in the plan of lands not suited for timber production shall be reviewed at least every 10 years. Such lands may be reviewed and redesignated as suited for timber production due to changed conditions at any time, according to the criteria in paragraphs (a) and (c) of this section, and according to the procedures for amendment or revision of the forest plan in §§219.10 (f) and (g).

36 CFR § 219.15

§ 219.15 Vegetation management practices.

When vegetation is altered by management, the methods, timing, and intensity of the practices determine the level of benefits that can be obtained from the affected resources. The vegetation management practices chosen for each vegetation type and circumstance shall be defined in the forest plan with applicable standards and guidelines and the reasons for the choices. Where more than one vegetation management practice will be used in a vegetation type, the conditions under which each will be used shall be based upon thorough reviews of technical and scientific literature and practical experience, with appropriate evaluation of this knowledge for relevance to the specific vegetation and site conditions. On National Forest System land, the vegetation management practice chosen shall comply with the management requirements in § 219.27(b).

36 CFR § 219.16

§ 219.16 Timber resource sale schedule.

In a forest plan, the selected forest management alternative includes a sale schedule which provides the allowable sale quantity. The sale schedule of each alternative, including those which depart from base sale schedules, shall be formulated in compliance with § 219.12(f) and paragraphs (a) and (b) of this section.

(a) Alternatives shall be formulated that include determinations of the quantity of the timber that may be sold during each decade. These quantity determinations shall be based on the principle of sustained yield and shall meet the management requirements in § 219.27. For each alternative, the determination shall include a calculation of the long-term sustained-yield capacity and the base sale schedule and, when appropriate, a calculation of timber sale alternatives that may depart from the base sale schedule as provided in paragraphs (a)(1) through (a)(3) of this section.

(a)(1) For the base sale schedules, the planned sale for any future decade shall be equal to, or greater than, the planned sale for the preceding decade, provided that the planned sale is not greater than the long-term sustained-yield capacity consistent with the management objectives of the alternative.

(a)(2) The determinations of the appropriate long-term sustained-yield capacities, base sale schedules, and departure alternatives to the base sale schedules shall be made on the basis of the guidelines which follow:

(a)(2)(i) For the long-term sustained-yield capacities and the base sale schedules, assume intensities of management and degree of timber utilization consistent with the goals, assumptions, and requirements contained in, or used in, the preparation of the current RPA Program and regional guide. For the base sale schedule, the management and utilization assumptions shall reflect the projected changes in practices for the four decades contained in, or used in, the preparation of the current RPA Program and regional guide. Beyond the fourth decade, the assumptions shall reflect those projected for the fourth decade of the current RPA Program, unless there is a basis for a different assumption;

(a)(2)(ii) For alternatives with sale schedules which depart from the corresponding base sale schedule, assume an appropriate management intensity;

(a)(2)(iii) In accordance with the established standards, assure that all even-aged stands scheduled to be harvested during the planning period will generally have reached the culmination of mean annual increment of growth. Mean annual increment shall be based on expected growth, according to management intensities and utilization standards assumed in paragraphs (a)(2)(i) and (ii) of this section and on forest type and site quality. Mean annual increment shall be expressed in cubic measure. Alternatives which incorporate exceptions to these standards shall be evaluated if it is reasonable to expect that overall multiple use objectives would be better attained. Alternatives which incorporate exceptions to these standards are permitted for the use of sound silvicultural practices, such as thinning or other stand improvement measures; for salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack; for cutting for experimental and research purposes; or for removing particular species of trees, after consideration has been given to the multiple uses of the area being planned and after completion of the public participation process applicable to the

preparation of a forest plan; and

(a)(2)(iv) Each sale schedule shall provide for a forest structure that will enable perpetual timber harvest which meets the principle of sustained-yield and multiple-use objectives of the alternative.

(a)(3) Alternatives with sale schedules which depart from the principles of paragraph (1) above and which will lead to better attaining the overall objectives of multiple-use management shall be evaluated when any of the following conditions are indicated:

(a)(3)(i) None of the other alternatives considered provides a sale schedule that achieves the assigned goals of the RPA Program as provided in § 219.4(b);

(a)(3)(ii) High mortality losses from any cause can be significantly reduced or prevented or forest age-class distribution can be improved, thereby facilitating future sustained-yield management; or

(a)(3)(iii) Implementation of the corresponding base sale schedule would cause a substantial adverse impact upon a community in the economic area in which the forest is located.

(a)(3)(iv) It is reasonable to expect that overall multiple-use objectives would otherwise be better attained.

(b) The sale schedule of the management alternative selected in accordance with § 219.12 provides the allowable sale quantity for the first plan period.

36 CFR § 219.17

§ 219.17 Wilderness designation.

(a) Lands revised for wilderness designation under the review and evaluation of roadless areas conducted by the Secretary of Agriculture, but not ***43048** designated as wilderness or not designated for further planning, and lands whose designation as primitive areas has been terminated shall be managed for uses other than wilderness in accordance with this subpart. No such area shall be considered for designation as wilderness until a revision of the forest plan under § 219.10(g).

(b) When revising the forest plan, roadless areas of public lands within and adjacent to the forest shall be evaluated and considered for recommendation as potential wilderness areas, as provided in paragraphs (b)(1) and (b)(2) of this section.

(b)(1) During analysis of the management situation, the following areas shall be designated for evaluation:

(b)(1)(i) All previously inventoried wilderness resources not yet designated, if they are currently essentially roadless;

(b)(1)(ii) Areas contiguous to existing wilderness, primitive areas, or administratively proposed wildernesses, regardless of which agency has jurisdiction for the wilderness or proposed wilderness;

(b)(1)(iii) Areas that are contiguous to roadless and undeveloped areas in other Federal ownership that have identified wilderness potential; and

(b) (1) (iv) Areas designated by Congress for wilderness study, administrative proposals pending before Congress, and other legislative proposals pending which have been endorsed by the President.

(b) (2) Each area designated for evaluation under paragraph (b) (1) of this section shall be evaluated with public participation. The evaluation criteria shall include as a minimum--

(b) (2) (i) The values of the area as wilderness;

(b) (2) (ii) The values foregone and effects on management of adjacent lands as a consequence of wilderness designation;

(b) (2) (iii) Feasibility of management as wilderness, in respect to size, nonconforming use, land ownership patterns, and existing contractual agreements or statutory rights;

(b) (2) (iv) Proximity to other designated wilderness and relative contribution to the National Wilderness Preservation System; and

(b) (2) (v) The anticipated long-term changes in plant and animal species diversity, including the diversity of natural plant and animal communities of the forest planning area and the effects of such changes on the values for which wilderness areas were created.

36 CFR § 219.18

§ 219.18 Wilderness management.

Forest planning shall provide direction for the management of designated wilderness and primitive areas in accordance with the provisions of 36 CFR Part 293. In particular, plans shall--

(a) Provide for limiting and distributing visitor use of specific areas in accord with periodic estimates of the maximum levels of use that allow natural processes to operate freely and that do not impair the values for which wilderness areas were created; and

(b) Evaluate the extent to which wildfire, insect, and disease control measures may be desirable for protection of either the wilderness or adjacent areas and provide for such measures when appropriate.

36 CFR § 219.19

§ 219.19 Fish and wildlife resource.

Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.

(a) Each alternative shall establish objectives for the maintenance and improvement of habitat for management indicator species selected under paragraph (g) (1) of this

section, to the degree consistent with overall multiple use objectives of the alternative. To meet this goal, management planning for the fish and wildlife resource shall meet the requirements set forth in paragraphs (a)(1) through (a)(7) of this section.

(a)(1) In order to estimate the effects of each alternative on fish and wildlife populations, certain vertebrate and/or invertebrate species present in the area shall be identified and selected as management indicator species and the reasons for their selection will be stated. These species shall be selected because their population changes are believed to indicate the effects of management activities. In the selection of management indicator species, the following categories shall be represented where appropriate: Endangered and threatened plant and animal species identified on State and Federal lists for the planning area; species with special habitat needs that may be influenced significantly by planned management programs; species commonly hunted, fished, or trapped; non-game species of special interest; and additional plant or animal species selected because their population changes are believed to indicate the effects of management activities on other species of selected major biological communities or on water quality. On the basis of available scientific information, the interdisciplinary team shall estimate the effects of changes in vegetation type, timber age classes, community composition, rotation age, and year-long suitability of habitat related to mobility of management indicator species. Where appropriate, measures to mitigate adverse effects shall be prescribed.

(a)(2) Planning alternatives shall be stated and evaluated in terms of both amount and quality of habitat and of animal population trends of the management indicator species.

(a)(3) Biologists from State fish and wildlife agencies and other Federal agencies shall be consulted in order to coordinate planning for fish and wildlife, including opportunities for the reintroduction of extirpated species.

(a)(4) Access and dispersal problems of hunting, fishing, and other visitor uses shall be considered.

(a)(5) The effects of pest and fire management on fish and wildlife populations shall be considered.

(a)(6) Population trends of the management indicator species will be monitored and relationships to habitat changes determined. This monitoring will be done in cooperation with State fish and wildlife agencies, to the extent practicable.

(a)(7) Habitat determined to be critical for threatened and endangered species shall be identified, and measures shall be prescribed to prevent the destruction or adverse modification of such habitat. Objectives shall be determined for threatened and endangered species that shall provide for, where possible, their removal from listing as threatened and endangered species through appropriate conservation measures, including the designation of special areas to meet the protection and management needs of such species.

36 CFR § 219.20

§ 219.20 Grazing resource.

In forest planning, the suitability and potential capability of National Forest System lands for producing forage for grazing animals and for providing habitat for management indicator species shall be determined as provided in paragraphs (a) and

(b) of this section. Lands so identified shall be managed in accordance with direction established in forest plans.

(a) Lands suitable for grazing and browsing shall be identified and their ***43049** condition and trend shall be determined. The present and potential supply of forage for livestock, wild and free-roaming horses and burros, and the capability of these lands to produce suitable food and cover for selected wildlife species shall be estimated. The use of forage by grazing and browsing animals will be estimated. Lands in less than satisfactory condition shall be identified and appropriate action planned for their restoration.

(b) Alternative range management prescriptions shall consider grazing systems and the facilities necessary to implement them; land treatment and vegetation manipulation practices; and evaluation of pest problems; possible conflict or beneficial interactions among livestock, wild free-roaming horses and burros and wild animal populations, and methods of regulating these; direction for rehabilitation of ranges in unsatisfactory condition; and comparative cost efficiency of the prescriptions.

36 CFR § 219.21

§ 219.21 Recreation resource.

To the degree consistent with needs and demands for all major resources, a broad spectrum of forest and rangeland related outdoor recreation opportunities shall be provided for in each alternative. Planning activities to achieve this shall be in accordance with national and regional direction and procedural requirements of paragraphs (a) through (g) of this section.

(a) Forest planning shall identify--

(a)(1) The physical and biological characteristics that make land suitable for recreation opportunities;

(a)(2) The recreational preferences of user groups and the settings needed to provide quality recreation opportunities; and

(a)(3) Recreation opportunities on the National Forest System lands.

(b) The supply of developed recreational facilities in the area of National Forest influence shall be appraised for adequacy to meet present and future demands.

(c) Planning alternatives shall include consideration of establishment of physical facilities, regulation of use, and recreation opportunities responsive to current and anticipated user demands.

(d) In formulation and analysis of alternatives as specified in § 219.12 (f) and (g), interactions among recreation opportunities and other multiple uses shall be examined. This examination shall consider the impacts of the proposed recreation activities on other uses and values and the impacts of other uses and activities associated with them on recreation opportunities, activities, and quality of experience.

(e) Formulation and evaluation of alternatives under paragraphs (c) and (d) of this section shall be coordinated to the extent feasible with present and proposed recreation activities of local and State land use or outdoor recreation plans, particularly the State Comprehensive Outdoor Recreation Plan, and recreation

opportunities already present and available on other public and private lands, with the aim of reducing duplication in meeting recreation demands.

(f) The visual resource shall be inventoried and evaluated as an integrated part of evaluating alternatives in the forest planning process, addressing both the landscape's visual attractiveness and the public's visual expectation. Management prescriptions for definitive land areas of the forest shall include visual quality objectives.

(g) Off-road vehicle use shall be planned and implemented to protect land and other resources, promote public safety, and minimize conflicts with other uses of the National Forest System lands. Forest planning shall evaluate the potential effects of vehicle use off roads and, on the basis of the requirements of 36 CFR Part 295 of this chapter, classify areas and trails of National Forest System lands as to whether or not off-road vehicle use may be permitted.

36 CFR § 219.22

§ 219.22 Mineral resource.

Mineral exploration and development in the planning area shall be considered in the management of renewable resources. The following shall be recognized to the extent practicable in forest planning:

- (a) Active mines within the area of land covered by the forest plan;
- (b) Outstanding or reserved mineral rights;
- (c) The probable occurrence of various minerals, including locatable, leasable, and common variety;
- (d) The potential for future mineral development and potential need for withdrawal of areas from development;
- (e) Access requirements for mineral exploration and development; and
- (f) The probable effect of renewable resource prescriptions and management direction on mineral resources and activities, including exploration and development.

36 CFR § 219.23

§ 219.23 Water and soil resource.

Forest planning shall provide for--

- (a) General estimates of current water uses, both consumptive and non-consumptive, including instream flow requirements within the area of land covered by the forest plan;
- (b) Identification of significant existing impoundments, transmission facilities, wells, and other man-made developments on the area of land covered by the forest plan;
- (c) Estimation of the probable occurrence of various levels of water volumes, including extreme events which would have a major impact on the planning area;

(d) Compliance with requirements of the Clean Water Act, the Safe Drinking Water Act, and all substantive and procedural requirements of Federal, State, and local governmental bodies with respect to the provision of public water systems and the disposal of waste water;

(e) Evaluation of existing or potential watershed conditions that will influence soil productivity, water yield, water pollution, or hazardous events; and

(f) Adoption of measures, as directed in applicable Executive orders, to minimize risk of flood loss, to restore and preserve floodplain values, and to protect wetlands.

36 CFR § 219.24

§ 219.24 Cultural and historic resources.

Forest planning shall provide for the identification, protection, interpretation, and management of significant cultural resources on National Forest System lands. Planning of the resource shall be governed by the requirements of Federal laws pertaining to historic preservation, and guided by paragraphs (a)(1) through (a)(3) of this section.

(a) Forest planning shall--

(a)(1) Provide an overview of known data relevant to history, ethnography, and prehistory of the area under consideration, including known cultural resource sites;

(a)(2) Identify areas requiring more intensive inventory;

(a)(3) Provide for evaluation and identification of appropriate sites for the National Register of Historic Places;

(a)(4) Provide for establishing measures for the protection of significant cultural resources from vandalism and other human depredation, and natural destruction;

(a)(5) Identify the need for maintenance of historic sites on, or eligible for inclusion in, the National Register of Historic Places; and

(a)(6) Identify opportunities for interpretation of cultural resources for the education and enjoyment of the American public.

(b) In the formulation and analysis of alternatives, interactions among cultural resources and other multiple uses shall be examined. This examination shall consider impacts of the management of cultural resources on other uses and ***43050** activities and impacts of other uses and activities on cultural resource management.

(c) Formulation and evaluation of alternatives shall be coordinated to the extent feasible with the State cultural resource plan and planning activities of the State Historic Preservation Office and State Archaeologist and with other State and Federal agencies.

36 CFR § 219.25

§ 219.25 Research natural areas.

Forest planning shall provide for the establishment of Research Natural Areas

(RNA's). Planning shall make provision for the identification of examples of important forest, shrubland, grassland, alpine, aquatic, and geologic types that have special or unique characteristics of scientific interest and importance and that are needed to complete the national network of RNA's. Biotic, aquatic, and geologic types needed for the network shall be identified using a list provided by the Chief of the Forest Service. Authority to establish RNA's is delegated to the Chief at 7 CFR 2.60(a) and 36 CFR 251.23. Recommendations for establishment of areas shall be made to the Chief through the planning process.

36 CFR § 219.26

§ 219.26 Diversity.

Forest planning shall provide for diversity of plant and animal communities and tree species consistent with the overall multiple-use objectives of the planning area. Such diversity shall be considered throughout the planning process. Inventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present condition. For each planning alternative, the interdisciplinary team shall consider how diversity will be affected by various mixes of resource outputs and uses, including proposed management practices. (Refer to § 219.27(g).)

36 CFR § 219.27

§ 219.27 Management requirements.

The minimum specific management requirements to be met in accomplishing goals and objectives for the National Forest System are set forth in this section. These requirements guide the development, analysis, approval, implementation, monitoring and evaluation of forest plans.

(a) *Resource protection.* All management prescriptions shall--

(a)(1) Conserve soil and water resources and not allow significant or permanent impairment of the productivity of the land;

(a)(2) Consistent with the relative resource values involved, minimize serious or long-lasting hazards from flood, wind, wildfire, erosion, or other natural physical forces unless these are specifically excepted, as in wilderness;

(a)(3) Consistent with the relative resource values involved, prevent or reduce serious, long lasting hazards and damage from pest organisms, utilizing principles of integrated pest management. Under this approach all aspects of a pest-host system should be weighed to determine situation-specific prescriptions which may utilize a combination of techniques including, as appropriate, natural controls, harvesting, use of resistant species, maintenance of diversity, removal of damaged trees, and judicious use of pesticides. The basic principle in the choice of strategy is that, in the long term, it be ecologically acceptable and compatible with the forest ecosystem and the multiple use objectives of the plan;

(a)(4) Protect streams, streambanks, shorelines, lakes, wetlands, and other bodies of water as provided under paragraphs (d) and (e) of this section;

(a)(5) Provide for and maintain diversity of plant and animal communities to meet overall multiple-use objectives, as provided in paragraph (g) of this section;

(a)(6) Provide for adequate fish and wildlife habitat to maintain viable

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populations of existing native vertebrate species and provide that habitat for species chosen under § 219.19 is maintained and improved to the degree consistent with multiple-use objectives established in the plan;

(a) (7) Be assessed prior to project implementation for potential physical, biological, aesthetic, cultural, engineering, and economic impacts and for consistency with multiple uses planned for the general area;

(a) (8) Include measures for preventing the destruction or adverse modification of critical habitat for threatened and endangered species;

(a) (9) Provide that existing significant transportation and utility corridors and other significant right-of-ways that are capable and likely to be needed to accommodate the facility or use from an additional compatible right-of-way be designated as a right-of-way corridor. Subsequent right-of-way grants will, to the extent practicable, and as determined by the responsible line officer, use designated corridors;

(a) (10) Ensure that any roads constructed through contracts, permits, or leases are designed according to standards appropriate to the planned uses, considering safety, cost of transportation, and effects upon lands and resources;

(a) (11) Provide that all roads are planned and designed to re-establish vegetative cover on the disturbed area within a reasonable period of time, not to exceed 10 years after the termination of a contract, lease or permit, unless the road is determined necessary as a permanent addition to the National Forest Transportation System; and

(a) (12) Be consistent with maintaining air quality at a level that is adequate for the protection and use of National Forest System resources and that meets or exceeds applicable Federal, State and/or local standards or regulations.

(b) *Vegetative manipulation.* Management prescriptions that involve vegetative manipulation of tree cover for any purpose shall--

(b) (1) Be best suited to the multiple-use goals established for the area with potential environmental, biological, cultural resource, aesthetic, engineering, and economic impacts, as stated in the regional guides and forest plans, being considered in this determination;

(b) (2) Assure that lands can be adequately restocked as provided in paragraph (c) (3) of this section, except where permanent openings are created for wildlife habitat improvement, vistas, recreation uses and similar practices;

(b) (3) Not be chosen primarily because they will give the greatest dollar return or the greatest output of timber, although these factors shall be considered;

(b) (4) Be chosen after considering potential effects on residual trees and adjacent stands;

(b) (5) Avoid permanent impairment of site productivity and ensure conservation of soil and water resources;

(b) (6) Provide the desired effects on water quantity and quality, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation uses, aesthetic values, and other resource yields; and

(b) (7) Be practical in terms of transportation and harvesting requirements, and total costs of preparation, logging, and administration.

(c) *Silvicultural practices.* The following management requirements apply to timber harvest and cultural treatments:

(c) (1) No timber harvesting shall occur on lands classified as not suited for timber production pursuant to § 219.14 except for salvage sales, sales necessary to protect other multiple-use values or activities that meet other objectives on such lands if the forest plan establishes that such actions are appropriate. These lands shall continue to be treated for reforestation purposes if necessary to achieve the multiple-use objectives of the plan.

***43051** (c) (2) The selected sale schedule provides the allowable sale quantity for the first planning period. Within the planning period, the volume of timber to be sold in any one year may exceed the average annual allowable sale quantity so long as the total amount sold for the planning period does not exceed the allowable sale quantity. Nothing in this paragraph prohibits salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger of insect or disease attack and where such harvests are consistent with silvicultural and environmental standards. Such timber may either substitute for timber that would otherwise be sold under the plan or, if not feasible, be sold over and above the planned volume.

(c) (3) When trees are cut to achieve timber production objectives, the cuttings shall be made in such a way as to assure that the technology and knowledge exists to adequately restock the lands within 5 years after final harvest. Research and experience shall be the basis for determining whether the harvest and regeneration practices planned can be expected to result in adequate restocking. Adequate restocking means that the cut area will contain the minimum number, size, distribution, and species composition of regeneration as specified in regional silvicultural guides for each forest type. Five years after final harvest means 5 years after clearcutting, 5 years after final overstory removal in shelterwood cutting, 5 years after the seed tree removal cut in seed tree cutting, or 5 years after selection cutting.

(c) (4) Cultural treatments such as thinning, weeding, and other partial cutting may be included in the forest plan where they are intended to increase the rate of growth of remaining trees, favor commercially valuable tree species, favor species or age classes which are most valuable for wildlife, or achieve other multiple-use objectives.

(c) (5) Harvest levels based on intensified management practices shall be decreased no later than the end of each planning period if such practices cannot be completed substantially as planned.

(c) (6) Timber harvest cuts designed to regenerate an even-aged stand of timber shall be carried out in a manner consistent with the protection of soil, watershed, fish and wildlife, recreation, and aesthetic resources, and the regeneration of the timber resource.

(c) (7) Timber harvest and other silvicultural treatments shall be used to prevent potentially damaging population increases of forest pest organisms. Silvicultural treatments shall not be applied where such treatments would make stands susceptible to pest-caused damage levels inconsistent with management objectives.

(d) *Even-aged management.* When openings are created in the forest by the

application of even-aged silviculture, the following management requirements apply:

(d)(1) Openings shall be located to achieve the desired combination of multiple-use objectives. The blocks or strips cut shall be shaped and blended with the natural terrain, to the extent practicable, to achieve aesthetic, wildlife habitat, or other objectives established in the plan. Regional guides shall provide guidance on dispersion of openings in relation to topography, climate, geography, local land use patterns, forest types or other factors. As a minimum, openings in forest stands are no longer considered openings once a new forest is established. Forest plans may set forth variations to this minimum based on site-specific requirements for achieving multiple-use objectives. Regional guides shall provide guidance for determining variations to this minimum in the forest plan, based on requirements for watershed, wildlife habitat, scenery or other resource protection needs, or other factors.

(d)(2) Individual cut blocks, patches, or strips shall conform to the maximum size limits for areas to be cut in one harvest operation established by the regional guide according to geographic areas and forest types. This limit may be less than, but will not exceed, 60 acres for the Douglas-fir forest type of California, Oregon, and Washington; 80 acres for the southern yellow pine types of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, and Texas; 100 acres for the hemlock-sitka spruce forest type of coastal Alaska; and 40 acres for all other forest types except as provided in paragraphs (d)(2) (i) through (iii) of this section:

(d)(2)(i) Cut openings larger than those specified may be permitted where larger units will produce a more desirable combination of net public benefits. Such exceptions shall be provided for in regional guides. The following factors shall be considered in evaluating harvest cuts of various sizes and shapes to determine size limits by geographic areas and forest types: Topography; relationship of units to other natural or artificial openings and proximity of units; coordination and consistency with adjacent forests and regions; effect on water quality and quantity; visual absorption capability; effect on wildlife and fish habitat; regeneration requirements for desirable tree species based upon the latest research findings; transportation and harvesting system requirements; environmental and forest pest hazards to regeneration, residual trees, and surrounding stands; and the relative total costs of preparation and administration, transportation requirements, harvesting, site preparation, planting, stocking control, and future stand tending of harvest cuts of various sizes and shapes. Specification for exceptions shall include the particular conditions under which the larger size is permitted and shall set a new maximum size permitted under those conditions.

(d)(2)(ii) Size limits exceeding those established in paragraphs (d)(2) and (d)(2)(i) of this section are permitted on an individual timber sale basis after 60 days' public notice and review by the Regional Forester.

(d)(2)(iii) The established limit shall not apply to the size of areas harvested as a result of natural catastrophic condition such as fire, insect and disease attack, or windstorm.

(e) *Riparian areas.* Special attention shall be given to land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water. This area shall correspond to at least the recognizable area dominated by the riparian vegetation. No management practices causing detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits of sediment shall be permitted within these areas which seriously and adversely affect water conditions or fish habitat. Topography, vegetation type,

soil, climatic conditions, management objectives, and other factors shall be considered in determining what management practices may be performed within these areas or the constraints to be placed upon their performance.

(f) *Soil and water.* Conservation of soil and water resources involves the analysis, protection, enhancement, treatment, and evaluation of soil and water resources and their responses under management and shall be guided by instructions in official technical handbooks. These handbooks must show specific ways to avoid or mitigate damage, and maintain or enhance productivity on specific sites. These handbooks may be regional in scope or, where feasible, specific to physiographic or climatic provinces.

(g) *Diversity.* Management prescriptions, where appropriate and to the extent practicable, shall preserve and enhance the diversity of plant and animal communities, including endemic and desirable naturalized plant and ***43052** animal species, so that it is at least as great as that which would be expected in a natural forest and the diversity of tree species similar to that existing in the planning area. Reductions in diversity of plant and animal communities and tree species from that which would be expected in a natural forest, or from that similar to the existing diversity in the planning area, may be prescribed only where needed to meet overall multiple-use objectives. Planned type conversion shall be justified by an analysis showing biological, economic, social, and environmental design consequences, and the relation of such conversions to the process of natural change.

36 CFR § 219.28

§ 219.28 Research.

(a) Research needs for management of the National Forest System shall be identified during planning and periodically reviewed during evaluation of implemented plans. Particular attention should be given to research needs identified during the monitoring and evaluation described in § 219.12(k). These identified needs shall be included in formulating overall research programs and plans which involve private as well as public forest and rangelands.

(b) Research needed to support or improve management of the National Forest System shall be established and budgeted at the research station and national levels. Priorities for this portion of the Forest Service Research Program shall be based upon the information gathered at all planning levels of the National Forest System.

(c) An annual report shall be prepared at the national level with assistance from Regions and Stations which shall include, but not be limited to, a description of the status of major research programs which address National Forest System needs for Research, significant findings, and how this information is to be or has recently been applied.

36 CFR § 219.29

§ 219.29 Transition period.

(a) Until a forest planning area of the National Forest System is managed under a forest plan developed pursuant to this subpart and approved by the Regional Forester, the land may continue to be managed under existing land use and resource plans. As soon as practicable, existing plans shall be amended or revised to incorporate standards and guidelines in this subpart. Pending approval of a forest plan, existing plans may be amended or revised to include management requirements

not inconsistent with the provisions of the RPA and these regulations.

(b) Requirements of amendments to this subpart shall be incorporated in forest plans and regional guides through the ongoing planning process. Planning process steps already completed need not be repeated.

(b)(1) If, prior to the effective date of an amendment to this subpart, a forest plan either has been approved in final form or released in draft form for public review, the plan need not be modified to incorporate requirements of such amendment, until the next scheduled revision of the forest plan;

(b)(2) If, prior to the effective date of an amendment to this subpart, a regional guide either has been approved in final form or released in draft form for public review, the guide need not be modified to incorporate the requirements of such amendment, until a significant amendment to the guide is made for reasons other than incorporating requirements of amendments to this subpart.

(c) A forest plan may become effective prior to the development and approval of its related regional guide, provided that the forest plan is reviewed upon regional guide approval, and if necessary, amended to comply with regional management direction. If such an amendment is significant, it shall be accomplished pursuant to the requirements for the development of a forest plan as set forth in this subpart.

(d) As a result of the eruption of Mount St. Helens, a land management plan for the Mount St. Helens area shall be prepared substantially in accordance with the following procedures:

(d)(1) Notwithstanding any other provisions in this subpart, the area included in the Mount St. Helens land management plan will not be subject to planning activities for the first generation Gifford Pinchot National Forest Plan unless the Regional Forester for the Pacific Northwest Region determines that additional planning activities are desirable.

(d)(2) Lands which were inventoried as roadless and designated for nonwilderness uses in the Roadless Area Review and Evaluation (RARE II) shall be managed for uses other than wilderness. Except for a small part of the Mount Margaret roadless area (B 6071), the Mount St. Helens land management plan shall not consider wilderness designation for these lands.

(d)(3) Lands which were inventoried as roadless and designated as further planning in the Roadless Area Review and Evaluation (RARE II) shall be evaluated in the Mount St. Helens land management plan and shall be managed in accordance with that plan.

Dated: September 27, 1982.

Douglas W. MacCleery,

Deputy Assistant Secretary For Natural Resources and Environment.

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