

**Statement of
Thomas Tidwell
Chief of the USDA Forest Service
Before the
Subcommittee on National Parks, Forests and Public Lands
House Natural Resources Committee
United States House of Representatives**

November 15, 2011

**Concerning
“Forest Service Regulatory Roadblocks to Productive Land Use and Recreation: Proposed
Planning Rule, Special-Use Permits, and Travel Management”**

Part 1: The USDA Forest Service Planning Rule

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to provide the Department’s view on the Forest Service’s proposed planning rule, published on February 14, 2011. We appreciate the Subcommittee’s interest in a matter of great import to the Agency and Department.

As a result of extensive collaboration and public involvement, the Forest Service received around 300,000 comments during the 90-day public comment period on the proposed rule and draft environmental impact statement. We have reviewed and analyzed the comments in the development of the final rule. We expect to publish the final environmental impact statement and final rule late this year or early in 2012.

In the 193 million acres of forests, grasslands and prairies that make up our National Forest System (NFS), the citizens of the United States are blessed with some of the most diverse, beautiful, and productive landscapes and watersheds on the planet. As required by the National Forest Management Act of 1976 (NFMA), land management plans for each forest and grassland provide a framework for integrated resource management and guide project and activity decisionmaking on a unit. The planning rule provides the overarching framework for individual NFS units to use in developing, amending, and revising land management plans to maintain, protect, and restore NFS lands while providing for sustainable multiple uses.

Planning Rule History

Currently, the Agency is using the procedures of a planning rule developed in 1982, which has guided the creation of every land management plan, revision or amendment to date. However, over the past thirty years, much has changed in our understanding of how to create and implement effective land management plans, and in our understanding of science and the land management challenges facing Forest Supervisors.

Ecological, social, and economic conditions across the landscape have altered. New best practices and scientific methods have evolved. And so has the country's understanding of and vision for the multiple uses and benefits provided by NFS lands.

Additionally, modifying land and resource management plans using 1982 rule procedures is often time consuming, costly and cumbersome. Because of this, units often wait until circumstances require a complete overhaul, rather than update plans incrementally, as new information is obtained or conditions change. This approach has made it challenging to keep plans current and relevant. Of the 127 land management plans for NFS lands, sixty-eight are past due for revision, meaning that they are fifteen years old or more.

Beginning as early as 1989, the Department and Forest Service have made numerous attempts to review, revise and modernize the planning rule. After two proposals in the 1990s, a final rule was published in 2000 to replace the 1982 regulations. That rule was challenged in court, and an internal review concluded that the number and specificity of its requirements were beyond the Agency's fiscal and organizational capacity to successfully implement. A new planning rule was developed and published in 2005, and a revised version in 2008, but each of those rules was held invalid by a Federal District Court on grounds that it violated National Environmental Policy Act requirements for analyzing environmental impacts, among other findings. The 2000 rule, which was never invalidated by a court, is the rule that is currently in effect. The Forest Service is utilizing the transition provisions from the 2000 rule for plan revisions and amendments pending finalization of a new rule. These transition provisions allow for use of the procedures from the 1982 rule.

The instability created by the history of the planning rule has had a significant negative impact on the Forest Service's ability to manage the NFS and on its relationship with the public. At the same time, the vastly different context for management and improved understanding of science and sustainability that has evolved over the past three decades creates an urgent need for a meaningful, durable, and implementable 21st century planning framework that will ensure that the Agency responds to new challenges and management objectives for NFS lands in a consistent way.

Collaboration and Public Participation

Because of the planning rule's history and the high degree of interest in management of the NFS, the Department and Forest Service decided to take a different approach to developing this new planning rule. We strongly believe that involving the public through a participatory, open, and meaningful process has been the best way to develop the rule. Our goal has been to learn from the previous efforts, and to listen to input from the public, Agency employees, other governmental representatives, and internal and external scientists to develop a rule that endures.. As a result, the proposed rule issued in February 2011, and the final rule we are developing now, are the product of the most participatory and transparent planning rule development process in Forest Service history.

The development of the 2011 proposed rule was informed by 26,000 public comments made on the Notice of Intent (NOI); a Science Forum with panel discussions from 21 scientists; regional and national roundtables held in over 35 locations and attended by over 3,000 people; regional and national roundtables and 16 government-to-government consultations with Tribes; and over 300 comments on a planning rule blog developed to reach people online. The Agency and Department also reviewed previous rules and planning efforts, current science, and best practices being implemented on NFS lands; worked closely with other agencies; and actively engaged and sought feedback from Forest Service employees.

After the proposed rule was published in February 2011, we took the unprecedented step of hosting another series of meetings to provide the public with information about the proposal in order to help inform their review of the proposed rule and the Draft Environmental Impact

Statement (DEIS). We held 29 national and regional public forums that were attended by over 1,300 people. Some of these forums were presented through video teleconferencing, reaching 74 locations across the country in all. In total we received 300,000 comments on the proposed rule and the DEIS during the 90-day comment period.

The Department and Forest Service believe that our approach and commitment to meaningful public engagement sets a new standard for public land management, and we are continually learning as we travel this path. Above all else, as we saw so many people take the time to come out to workshops on their local units, participate via the internet, or submit comments, we have been gratified to see once more how people truly cherish their National Forests and Grasslands and care deeply about their management.

The New Rule

The Department and Forest Service used the input we received through our public involvement process to develop the proposed rule and DEIS, and we are currently working to make further improvements to the rule based on the comments received on the proposed rule and DEIS. Because the rule is currently in the clearance process, I cannot give a definitive statement as to what the final rule will say.

That said, we believe the new rule will correct the inefficiencies of the 1982 planning procedures and provide a modern framework for planning in order to sustain and restore the health and resilience of our National Forests. The goal is to produce an efficient planning process to guide management of NFS lands so that they are ecologically sustainable and contribute to social and economic sustainability, with resilient ecosystems and watersheds, diverse plant and animal communities, and the capacity to provide people and communities with a range of social, economic, and ecological benefits now and for future generations.

The planning framework in the new rule would help the Agency provide clean water, habitat for diverse fish, wildlife, and plant communities, opportunities for sustainable recreation and access, and a broad array of other multiple uses of NFS lands, including for timber, rangeland, minerals and energy as well as hunting and fishing, wilderness, and cultural uses.

We intend to emphasize integrated resource management so that all relevant elements of the system are considered as a whole, instead of as separate resources or uses. We are considering the inclusion of requirements in the new rule to sustain and restore the health and resilience of our National Forests and watersheds. There would be a strong emphasis on protecting and enhancing water resources, including important sources of drinking water for downstream communities.

We are also considering the inclusion of requirements in the new rule to provide for diversity of plant and animal communities, and would be designed to provide habitat to keep common native species common, contribute to the recovery of threatened and endangered species, conserve candidate species, and protect species of conservation concern. The new rule would provide the same or better level of protection as the 1982 rule while removing the problematic provisions of the 1982 procedures, such as requirements for management indicator species (MIS), which have been proven cumbersome, ineffective and do not reflect the latest science.

We are also considering the inclusion of requirements in the new rule to contribute to social and economic sustainability. Plans would be required to provide for sustainable recreation, and to protect cultural and historic resources. Planning would consider and provide for a suite of multiple uses, including ecosystem services, watershed, wildlife and fish, wilderness, outdoor recreation, energy, minerals, range, and timber, to the extent relevant to the plan area. Plans would also guide the management of timber harvest on NFS lands.

The new rule would create a framework that allows adaptive land management planning in the face of climate change.

We intend to create a more efficient and effective planning process through an adaptive framework of land management assessment, planning and monitoring. This framework is intended to assist Forest Supervisors to adapt plans to reflect new information and changing conditions. Information developed in each phase would inform the public and feed into the next phase, building a strong base of information and public input that would support a shared understanding of and vision for the landscape. Responsible officials would then be able to use monitoring data and other sources of information to amend plans and keep them current and effective.

The new rule would strengthen public engagement throughout the planning process, for which we are considering specification of numerous opportunities for meaningful dialogue and input. Responsible officials would be required to seek input from the public, consult with Tribes, encourage participation by youth, low-income populations, minority groups, and affected private landowners, and seek input from and coordinate with related planning efforts by other government entities including Tribes, States, counties, local governments, and other Federal agencies.

Additional direction we are considering for the new rule would be to use the most accurate, reliable and relevant scientific information available to inform the planning process. The appropriate interpretation and application of science provides the foundation for planning, with other forms of information, such as local and indigenous knowledge, public input, agency policies, results of monitoring, and the experience of land managers also taken into account in determining how to accomplish desired outcomes.

The strategy we are considering for monitoring under the new rule would take place at the unit level and at a broader scale. Monitoring would be a central part of both plan content and the planning process, allowing responsible officials to test assumptions, track changing conditions, measure effectiveness in achieving desired outcomes, and feed new information back into the planning cycle so that plans and management can be changed as needed.

We are also considering a requirement in the new rule that NFS lands be managed in the context of the broader landscape. While the Forest Service does not intend to and cannot direct management of lands outside the NFS, under the new rule, responsible officials would use assessments, monitoring and public engagement to create a continually evolving understanding of conditions, trends, and stressors both on and off NFS lands, and would work in the planning phase to respond to changing conditions across the landscape, and coordinate, where appropriate and practicable, with other land managers and owners to accomplish shared objectives.

Conclusion

We received a wide variety of public comments on the proposed rule and the draft environmental impact statement. We are coming to the end of our work on finalizing the rule. We are committed to creating a final rule that will help the Forest Service be more effective in its task of restoring and protecting our natural resources, support communities, and adapt to changing conditions. It represents our desire to create a modern and efficient planning rule based on science, public input, and Agency experience.

Management of America's 193 million acres of national forests and grasslands is enormously important for present and future generations. The Department's goal is a collaboratively developed, meaningful and enduring planning rule and a more efficient, effective, and participatory land management planning process.

This concludes my prepared statement, and I would be pleased to answer any questions you may have.