



USDA Forest Service Intermountain Region

PLANNING, APPEALS, OBJECTIONS & LITIGATION



Director of Planning, Appeals, Objections, and Litigation Directorate



Chris Moyer is the Director of Planning, Appeals, Objections, and Litigation for the Intermountain Region. Prior to this assignment, Chris served as the Deputy Chief of Staff for the National Forest System, Washington Office. Chris has held a variety of unique and different positions over the course of a 25-year career, including positions at the local, Regional, and Washington Offices in varying combinations for the Forest Service and Bureau of Land Management. Chris is originally from Oregon and enjoys a wide array of outdoor activities on the East and West Coasts.

The Intermountain Region Planning, Appeals, Objections, and Litigation Directorate

The Region 4 Planning, Appeals, Objections, and Litigation (PAOL) team is so much more than just planning or what's listed in the title. This team currently has 8 permanent members, and the directorate is responsible for the following:

- Land management planning (forest plans)
- National Environmental Policy Act interpretation, implementation, and support
- Roadless rule (Idaho and 2001 Rule) implementation
- Federal Register Notices
- Managing a national environmental analysis and planning services IDIQ contract
- Sustainability and Climate
- Objections
- Appeals
- Litigation (NFMA, APA, ESA and NEPA related)
- Freedom of Information Act
- Science Partner Program leadership
- Coordinating with the Office of General Counsel and the Washington Office on all of the above topics
- Sharepoint and web-based resources to support communication and training needs within the region



Beyond serving as liaison to Regional and Washington Office staffs and providing support to the Forests on the topics above, the team has three key internal initiatives underway. First, we are working diligently to share as much information as possible about planning, litigation, NEPA, FOIA, objections, sustainability and adaptation for climate change with other directorates in the Regional Office. Second, we are working toward a deeper and broader understanding of the current litigation situation in the Region (Region 4 is the second most litigated Region in the Agency) and how we can make shifts – subtle and bold – to reduce our overall litigation burden. Third, we are developing cross-program skillsets within the team to bolster our bench depth (people need vacations!)

Land Management Planning

The Regional Planner provides support to the Region in all aspects of forest plan revision, plan amendment, forest plan monitoring programs, and issues that arise related to project consistency with forest plans. A comprehensive Regional Planning Strategy was established in 2015 and is currently being rethought given new information, constraints, and national coordination efforts relating to forest planning. In particular, the Regional Planner provides the following services:

- Provides guidance and support to Forest and Regional Office staffs for forest plan revision and plan amendments
- Supports readiness for forest plan revision
- Provides Regional review of planning documents and strategies for Forests, other Regions, and Washington Office
- Leads coordination of forest plan monitoring

National Environmental Policy Act, Roadless Rules, Federal Register Notices, and the Environmental Analysis and Planning Services IDIQ

NEPA

The PAOL team includes two Regional Environmental Coordinators that provide a wide array of support across the Region for all things related to NEPA. While they work together seamlessly, generally speaking one covers the Forests in Idaho and Wyoming while the other covers the Forests in Utah and Nevada. They consult with Forest staffs on all aspects of NEPA, including processes, compliance, and issue approach. They are thought of as partners with the Forests, even crafting NEPA documents in a pinch.

Roadless Rules

The two Regional Environmental Coordinators hold the responsibility for interpreting and guiding implementation of project work in the roadless areas that make up so much of the Forests in Region 4. They split the two rules (one handles Idaho Roadless Rule for both Region 1 and Region 4 while the other handles the 2001 Roadless Rule) but work to ensure that each other is aware of what is happening in roadless rule conversations.



Federal Register Notices

One Regional Environmental Coordinator handles the process for Federal Register Notices and the clearance process interaction with the Washington Office. The Region 4 process may also include a briefing with one or both of the DRFs, at their discretion, before any Federal Register notice goes to the Washington Office.

NEPA Services IDIQ

Planning Services IDIQ contracts (six contractors), available for use nationally to support for all things NEPA and forest planning. This includes specialist support and document preparation (e.g., environmental impact statements, forest plans, special area management plans). Both Regional Environmental Coordinators and the Regional Objections Coordinator serve as Contracting Officer Representatives in support of the Forests that use the IDIQ that need additional capacity.

Sustainability and Climate

The Region 4 Sustainability and Climate Coordinator works to bring Washington Office guidance about sustainability and climate (including carbon) to the Forests. Region 4 is well positioned to move into the Administration's priority around climate due to the forward thinking and bold moves the Region took a few years back that resulted in the publishing of the Intermountain Regional Climate Assessment in 2018. See: <https://www.fs.usda.gov/treearch/pubs/56101> and <https://www.fs.usda.gov/treearch/pubs/56102>. Additionally, activities such as helping the Forests to complete their respective carbon white papers and developing climate consideration language for grazing NEPA support the Forests on this important topic. The coordinator continues a regional green team and promotes regional and forest green team programs and funding.

The regional coordinator also coordinates the Science Partner Program including workshop and communication activities. This collaborative program involves several Intermountain program managers and co-creates innovative and proactive solutions to land management challenges by pairing managers and scientists together in support of forest plan revision and other program needs. Recently, a RMRS Research Note was published documenting the process. <https://www.fs.usda.gov/treearch/pubs/62893>

The regional coordinator continues to track progress on the National Monitoring Policy and continues planning discussions with others to how to develop a regional broader scale monitoring strategy.

Objections, Appeals, Litigation, and FOIA (Freedom of Information Act)

A four-person team (a team lead that supports all three program managers and their programs) manages Regional support for objections, appeals, litigation, and FOIAs.



Managing Objections and Appeals Processes

In the last six months the Regional Office invested in a dedicated position that is focused on running the objections and appeals processes. The Regional Objections Coordinator manages all aspects of the objection process, such as Standing Objection Review Team (SORT) coordination, convening teams as needed, and facilitating the Regional response to objections. Appeals for grazing permit, mineral plans of operation, and special use permit decisions, while less prevalent than objections, do occur and are coordinated by the Regional Objections Coordinator.

Litigation (NFMA, APA, NEPA, ESA related)

As one of the most litigated Regions in the Agency, Region 4 is never lacking for things to work on in the litigation realm. The Litigation Specialist tracks the current status of all the litigation, works with Forests and OGC on the development of court related documents (e.g., Administrative Records), helps interface with the Washington Office regarding litigation related briefings (e.g., Delegated Agency Representative [DAR] letters), and handles witness authorizations and subpoenas. Much of the timeline around litigation is outside of the control of the Agency (usually driven by court mandated timelines), but we must be responsive to those requests when they occur and by the specified timeframes. There are currently 18 open litigation cases in the Region, including cases ranging from livestock grazing, to mineral leasing, to ESA compliance.

FOIA (Freedom of Information Act)

The Freedom of Information Act (FOIA) provides the statutory right to access Federal records. For the past several years, Region 4 has received the highest or the second highest number of FOIA requests out of all the Regions in the nation. This trend is continuing through 2021. As of August 31, Region 4 has received 265 requests for FY21.

In 2020, the Region received 303 requests. Main topics of interests include, grazing, land exchanges, mining, recreation, fire, LEI Incidents and project specific information. Requests for LEI information, lands issues, and water rights are processed through the Regional Office. All responsive records that contain information that needs to be withheld due to one of the nine exemptions, is reviewed, and processed through the Regional Office. The Region currently has 27 overdue cases, 18 of those are assigned to the Regional Office.