

Coordination with Other Public Planning Efforts

Proposed Guidance to Meet Requirements of the 1982 Planning Rule Procedures

Operational Draft: This document is prepared to provide guidance to forest plan revision teams. As this guidance is implemented we expect to learn improved ways to do this work. As we learn, this document will be updated. This document was reviewed and revised as appropriate in February 2010 to conform to the requirements of the 1982 Planning Rule provisions, as accessed by the 2000 Planning Rule transition language at 36 CFR 219.35 (Federal Register, Volume 74, No. 242, Friday, December 18, 2009, pages 67073 and 67074) .

The 1982 planning rule provisions require that forests coordinate with other public planning efforts during development or revision of a forest plan. On September 29, 2009 the U.S. District Court for the Northern District of California ruled that the Forest Service failed to fully meet this requirement in revision of the Southern California Plans (See No. C 08-1185 MHP). The environmental impact statement (EIS) did not, as required, include a display of the results of its review of the planning and land use policies of the affected state government as required by the procedures. This document provides guidance on meeting this and other procedural requirements to coordinate with other public planning efforts and private landowners as described.

There are several items outlined in the requirement to coordinate with other public planning efforts and land owners throughout the planning process. Many can be met by including state, local, and tribal governments in the normal collaborative and public involvement processes. There are, however, others that require specific action and documentation. The following guidance is prepared by requirement as outlined in the 1982 Planning Rule provisions. Document related activities in the planning record as appropriate.

Section 219.6(k)

Requirement: 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 Sec. 219.7(c).

Action: See Requirement 3 below.

Section 219.7

Requirement 1: 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.

Action: Document communications and interactions with other agencies, governments, and tribes related to other relevant planning efforts.

Requirement 2: 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 official or agency so designated by the affected State (including the Commonwealth of Puerto Rico). 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 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).

Action: A letter signed by the Regional Forester must be sent to persons/organizations listed above simultaneously with the publishing of the NOI. The RO will draft the letter. Each forest will be responsible for sending it (or their own notice/letter) to the appropriate county and tribal contacts. RO will send it to the states if we can coordinate all NOIs to be releases about the same time.

Requirement 3: 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--

- (1) Consideration of the objectives of other Federal, State and local governments, and Indians tribes, as expressed in their plans and policies;
- (2) An assessment of the interrelated impacts of these plans and policies;
- (3) A determination of how each Forest Service plan should deal with the impacts identified; and,
- (4) Where conflicts with Forest Service planning are identified, consideration of alternatives for their resolution.

Action: Display the result of the review in the EIS as is appropriate. If organization or entities do not engage in the process, document the attempts to coordinate and lack of response if applicable. The review could be displayed in a table or other succinct format in the EIS. Include results from requirement at 219.6(k) above.

Requirement 4: *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.*

Action: Document participation by the above listed organizations in any collaborative or public involvement activities. Ensure there are opportunities for them to collaborate as outlined above 1) at the beginning of the process, and 2) after identification of issues but prior to recommending a preferred alternative.

Requirement 5: *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.*

Action: Document any activities that meet the above description in the planning record.

Requirement 6: *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.*

Action: Include in analysis and discussion of effects.