

**USFS National Advisory Committee – Forest Planning Rule Implementation**  
**May 7-9, 2013**

**Meeting Objectives:**

- Initiate deliberation on committee recommendations for the directives through working group face-to-face time, whole committee discussion, Q-and-A with the Forest Service, and agreement on draft recommendations (agreements in principle) to the Forest Service
- Clarify which topics require continued deliberation
- Prepare for June meeting

**Agreements:**

- Draft recommendations formulated in Ft. Collins will be refined and presented on a conference call to be scheduled over the next 2-3 weeks.
- The definitional work group will reconstitute as necessary; they have two more tasks – defining “roles and contributions” and considering whether and how BASI should be defined in the Zero Code
- The procedural and analytical workgroups will continue, with fluid membership so that committee members can engage as interested/appropriate in shaping recommendations that will ultimately be considered by the whole committee
- Meeting dates, times, agendas and other draft and final documents will be posted on Base Camp to facilitate participation/transparency.
- Draft recommendations conveyed from the two primary working groups to the facilitators will be circulated to the whole committee no later than 17 June.

**Next Steps:**

1. Learning calls will be organized around the following topics:
  - a. SCC
    - i. Call with Chris Iverson addressing the following:
      1. When do you move from potential to final?
      2. Could this process be described as iterative?
      3. Can we apply coarse filter to must be considered category?
      4. Is there a role here for early engagement of Tribal or state fish and wildlife agencies?
      5. Where does SCC list live?
      6. How to reconcile different levels of governance (regional, forest, etc.)?
      7. Do SCC lists get used prior to revision process for monitoring protocols? (32.3)
    - ii. USFS and early adopters – to hear about what’s actually happening with the SCC lists
  - b. Monetizing Ecosystem Services

- i. Forest Service socioeconomic team and outside experts on monetizing ecosystem services with a full discussion of which forest attributes ought to be given a monetary value and which should not
  - c. Objections Process
    - i. How is it supposed to work? How is it working to date?
- 2. Noticing- the committee would benefit from seeing technical advice on notices (i.e. information requirements/clarify public involvement in notice of initiation)/public involvement. Additionally, it was noted the committee would benefit from feedback from the field on implementing the directives.
- 3. Committee Requests to the USFS
  - a. It would be useful to see collaboration in a flowchart focused specifically on plan development and assessment specifically
  - b. Discussion on how reference period fits with desired conditions and adaptive management for the analytical WG team focused on climate change
- 4. White paper on issues under consideration around NEPA and the Planning Process
- 5. Develop a citizens guide to the planning process

## MEETING SUMMARY

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**Tuesday, May 7, 2013**

### **Opening**

Glen Cassamaasa, Arapahoe-Roosevelt National Forest and Pawnee National Grasslands, and Jan Engert, Ft. Collins Research Station welcomed the committee.

Tony Tooke, DFO introduced USFS personnel and underscored their objective to serve as resources available to the committee. USFS personnel: Andrea Payne, Annie Goode, Chalonda Jasper, Bruce Meneghin, Susan Winter, Tasha La Porto, Sarah Hall, Regis Terney, Daniel Silvas, Patrice Janiga, and Chris French. Mr. Tooke thanked the committee for their preparatory work with the definitional, procedural, analytical and integration workgroups and reminded all to ensure they answer the seven questions posed by the USFS. Finally, he reminded the committee that the directives are a proposal and invited the group to make it better.

### **Public Comment**

Bob Maynard represents the Sealaska Corporation who submitted a comment letter on the proposed directives. Mr. Maynard noted that there is substantial work to be done, and he is here to help the committee get it right. One of their recommendations is for the USFS to get started on an Alaska region supplement for the Directives. There are requirements specific to AK, and the best way to address these is in a supplement rather than cluttering the national document.

Rebecca Fitzgerald represents the Office of Wyoming Governor Mead. The Governor and people of Wyoming appreciate what the committee is doing. Please bear in mind local and state government input, and ensure it is protected because they are representative of those people.

## **Working Group Structure and Timeline**

At the last committee meeting, the group agreed to utilize the next three meetings to finalize a body of recommendations on the directives. On the 20<sup>th</sup> of March the group agreed to constitute three working groups- definitional, procedural and analytical. An integration workgroup comprised of working group chairs plus the committee co-chairs, DFO and facilitators would ensure that no issues were inadvertently dropped because of confusion between the groups, and that any unnecessary overlap was eliminated. Draft recommendations will be developed by working groups for consideration by the whole committee. Consensus recommendations will then be set aside as agreements in principle until the August meeting when the group will review the body of recommendations to ensure they are internally coherent, etc.

Committee discussion covered a number of issues including timing and scope of the committee charter, questions about what was driving the recommendation timeline and an update on public comment period. The committee is chartered for two years, and the charter elaborates several potential work areas beyond advising on the directives - see Committee charter at [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5358280.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5358280.pdf). An additional 15-day comment period on the draft directives has been added, and the USFS expects that the CAT analysis of both internal and external comments will be made available for the committee's June meeting. Individual public comments are available on line at <http://www.fs.usda.gov/detail/planningrule/committee/?cid=stelprdb5394840>. As to the driver behind the timeline for finalizing the Directives, it was noted that delaying the final directives delays the next group of plan revisions or causes the planners to work from draft directives.

## **Working Group Meetings**

Working groups spent the balance of the day preparing presentations that address the following: The order in which they will address key issues; underpinning concerns, interests and sideboards for each issue; clarification questions around which USFS or other expert input is needed; and initial recommendations to the committee.

**Wednesday, May 8, 2013**

## **Forest Service – Addressing Questions from the Working Groups**

### NEPA and the Planning Process

From its inception, the committee has asked questions about the nature of collaboration and NEPA. At the request of the process workgroup, USFS staff assembled a visual graphic for the committee that depicts the planning and NEPA process. Highlights from the overview and discussion include a more in depth exploration of whether, where and how collaboration and the Planning and NEPA processes integrate in the interest of improving implementation efficacy and efficiency; and implications for early adopters and the next round of forests that will initiate plan revisions under the new rule.

Committee members were interested to learn whether integrating NEPA processes as early as possible with the assessment phase would increase efficiency (by saving time), and increase efficacy as a means of ensuring the public that environmental and other concerns and issues are welcomed at the outset on the one hand, and that decisions aren't going to be made prior to the initiation of NEPA on the other hand. Public engagement pre-NEPA is new with the focus on collaboration in assessment and plan development. The underpinning concern that gives rise to this line of inquiry is whether initial determinations are being made in the assessment phase, e.g. the application of particular filters to information which are determinative, shaping monitoring programs and plan components, or as in one stated example, the public engagement in the assessment phase leading to development of preferred alternatives.

Conversely, there are some concerns that filing the Notice of Intent (NOI) too early would confuse the public, and/or dilute the quality of public feedback. Planning doesn't necessarily imply a federal action that requires NEPA, where the following four conditions are required:

- the FS has a goal and is actively preparing for a decision, there are alternative methods for meeting that goal, the effects can be meaningfully evaluated
- The FS has responsibility
- There is cause and effect – on the environment and on the people
- Congress has not required a specific action or precluded action on this goal

The trigger for NEPA is specific proposed actions. It is possible that in some cases there would be no need to revise the plan, in which case there wouldn't be a proposed action. Discussion then focused on scoping—plain language use of scoping with a “small s” is understood as gathering information on issues and interests, and should not be confused with “Scoping” in the formal sense under NEPA post NOI. Finally, the mechanism for notifying the public of planning initiation under the 2012 Rule is a Notice of Initiation.

The lack of clarity around planning and NEPA has played out with some of the early adopters, and begs the question as to whether some plans may be compromised. In the last few months the USFS has been addressing these issues. The Nez Perce was cited as an example of mid course corrections- they just added time to their schedule, and they pulled back the draft plan components as they go about clarifying the public engagement process.

The USFS requested the committee to ensure the directives are building in the right steps, mindful of USFS authority and decision space, and to ensure that collaboration continues through NEPA. The committee requested further dialogue with the USFS through the process work group on noticing, and agency thinking around NEPA and planning more broadly.

## **Presentations from Working Groups Followed by Full Committee Discussion**

Each workgroup shared report outs and initial recommendations. Workgroups will take subsequent committee discussion into consideration and revise their recommendations accordingly. A conference call will be scheduled to discuss final recommendations. Key highlights from each workgroup follow.

### Definitional Workgroup

The definitions group offered five initial recommendations that emphasize broad foundational issues. These include: (1) Broader landscapes- guidance as to how to go about identifying what a broader landscape is, ensure relevance of chosen landscape, and link to socio economics; (2) Overarching purposes- modification to Manual adding language to address overall purposes of the rule; (3) Add definition of Desired Conditions to zero code; (4) Expanded discussion of NRV- e.g. Does reference period constrain future?; (5) Added definition of adaptive management. The group also noted the need for an adaptive management graphic.

### *Discussion*

Group discussion surfaced conversation about resilience, pre-European historical references, NRV and BASI.

The work group got to resilience- loosely defined as a combination of characteristics to resist undesirable change and bounce back from undesirable changes-while discussing NRV. In this conversation they addressed climate change, and other stressors such as fire, invasive species, etc. The historical reference serves to acknowledge that prior to depopulation first nations actively managed the forests. A request was made to consider adding a definition of BASI in the zero code, and to define roles and contributions.

### Analytical

The analytical workgroup offered a number of specific text changes to the draft directives in a handout shared with committee members. Their presentation highlighted big picture issues, including *plan consistency* – the need to integrate forest planning with other planning processes (including state-specific roadless area designations and USFS travel management plans); *suitability determinations* (including suitability for mineral development). The group also proposed specific changes to the description of the tools used in social, economic and cultural analysis.

### *Discussion*

Several committee members commented on the need to clarify the intent of hunting and fishing suitability determinations, including recommending specific reference to treaty rights.

Social Economic Dimensions-the work group recommends analysis of existing tools, update where needed, and engage new tools/social media/ensure new streams of information- that which existing tools aren't going to get us. Issues surfaced in the conversation about monetizing ecosystem services included questions about whether this was the correct approach for cultural

uses, whether such an approach might have a chilling effect on selection of ecosystem services, and “why not” monetize extractive services (e.g. clean water). Views of committee members varied as to whether, for example, water was easy to monetize (there are lots of methods to do this) and water is not easy to monetize (complexities of water rights, water wars). The committee recognizes the dollar and intangible values are not mutually exclusive, and exist on a continuum. The USFS is developing a PES framework.

### Process Work Group

In addition to clarifying and improving collaboration in NEPA and the planning process discussed in section V above, the process workgroup is exploring ways to: *clarify the adaptive management process* (such as developing a specific depiction of the adaptive management circle linked to the chapters and steps of the planning rule and directives); *ensure transparency and efficiency with respect to the determination of species of conservation concern (SCC)*; *ensure fair and optimal functioning of the objections process* and to *ensure opportunities for public involvement up to and including collaboration are clear, and properly target youth and emerging markets*. More specific recommendations include moving Chapter 40 to follow the zero code, and cross walking relevant content across Chapters 10-30; improving the objectives process by changing the requirements of interested parties to be the same as objectors, directly contacting participants, and ensuring formal Tribal government to government consultation is initiated at appropriate decision intervals. Additional clarifications as to the roles of Tribal, state and local government will be pursued. The process group requests the Definition work group to define roles and contributions (under the All Lands approach).

Social economic and cultural related recommendations under development include clarifying language to include social economic and cultural considerations throughout the entirety of implementation - from assessment through monitoring.

### **Cross Cutting Issues: Whole Committee Discussion**

Wilderness, Species of Conservation Concern, Adaptive Management and Monitoring, NRV, Climate Change and Ecosystem Services emerged as cross cutting issues that warranted further whole committee exploration. The committee explored the first three in their discussion.

### Wilderness – Chapter 70

The intent with Chapter 70 was to increase transparency, align evaluation terminology with the Wilderness Act; not re-invent roads, but rather, use existing inventories (noting that all forests have inventoried roadless areas under the 2001 rule or state-specific rules in ID and CO). There are four steps to determining Wilderness:

- Inventory – broad look – it says that an inventory is not a designation – existing inventories of roads and roadless areas are an obvious starting point
- Evaluation – based on Wilderness Act categories and criteria – high or low quality
- Analysis – that’s the step where, before a draft plan, the responsible official uses restoration goals, community goals, etc. – which areas could make sense to bring forward in a proposed action – collaboration has influence here

- Proposed Action – with alternatives and a NOI – a proposed designation

### *Discussion*

Following a wide-ranging discussion that surfaced concerns about efficiency, efficacy, and timing, the Wilderness discussion centered on five key areas for the development of draft recommendations. These include (1) Clarification that existing inventories can serve as the starting point (as opposed to “starting from scratch” --which one participant guessed might double the time necessary to complete plans); (2) There are no requirements for filling data gaps/ generating new information (however, it is possible that lands that are not identified in existing inventories might be considered); (3) How public involvement fits in the four steps; (4) Expand the description to include how social and ecological considerations are used in the analysis phase and (5) Identify issues related to and options for addressing the categorization of roads.

### Species of Conservation Concern

The full committee focused on the concerns related to efficiency, clarity and transparency of the SCC determination process- how the potential and final lists are developed, who is consulted (i.e. Tribes, State governments and the broader publics), who makes those determinations and when need to be clarified.

Adaptive management should be the tool to assess whether the underlying assumptions are realized (e.g. that if the Forest Service provides the ecological conditions, the species will be viable), and to surface what is driving changes to SCCs. The directives do not clearly encourage an active approach in monitoring and managing the SCC – the examples we have do not go full circle in the adaptive management process from start to finish. Nor is the potential for an SCC to be named a focal species clear in the directives; perhaps this should be given additional detail. The committee has a request for a learning call with Chris Iverson to address these and other questions.

### Adaptive Management and Monitoring

Group discussion focused on the importance of incentivizing monitoring, exploring ideas around triggers and requirements; as well as how to increase the effectiveness of monitoring through clarification of the mechanics of the adaptive management approach, using structured hypothesis testing; desired conditions and the importance of building social, cultural and economic dimensions into monitoring.

For greatest efficacy, monitoring considerations should be reflected in the plan component drafting process. The desired condition is the hypothesis of structured hypothesis testing. We need to know why we are (or aren't) seeing what we expect to see in order to know whether and how to revise or amend plan components.

One of the reasons cited for the current lack of monitoring is a commensurate lack of funding. Failure to adequately fund this phase interrupts the cycle of adaptive management. One

suggestion to incentivize and ensure monitoring would be a quid pro quo linking monitoring to funding. It was also observed that when collaboration gets rolling, stakeholders engage in multiparty monitoring. As such, another suggestion is to release the evaluation report to the public. Another suggestion is to ensure monitoring for areas not under active management. The group emphasized the important links between project monitoring and forest plan monitoring.

Discussion around clarifying section 32.1 surfaced a number of questions. To some, the indicators look like desired conditions. If the desired condition is a healthy ecosystem and that is indicated by specific characteristics –then thresholds are needed– how much, how many – what numbers of these indicators trigger a response? What level of change would trigger a change in the management action or change in plan component?

This raises the question of the enforceability of plan components – are only standards enforceable? Are desired conditions required? Is there a requirement to achieve the desired condition? Why monitor if failure to hit the target doesn't mean anything? In the example in the directives, there is a disparity in the level of detail between the ecological items and the social benefits – we can do better than this – there are metrics that would bring this to a similar level of detail. Perhaps we change the example or include a new one. Social, economic and cultural measures – we need a more thorough effort in monitoring these as well.

#### **Thursday, May 9, 2013**

On the last day, the two working groups continued discussing specific issues including NRV, Adaptive Management, Socioeconomics, etc. The procedural group continued to explore issues and options related to Wilderness; NEPA, Planning, Public Involvement and Collaboration; Objections Process; Species of Conservation Concern; Adaptive Management; Public Involvement.

#### **NEXT STEPS**

Draft recommendations shared from workgroups at this meeting will be refined and prepped for final consideration on a call to be scheduled later in May.

Workgroups will continue to generate draft proposals on a template form to be circulated by the facilitators. In some cases, issues will be broken down into smaller components and recommendations will be drafted by a few committee members, vetted to the appropriate work group, and then shared with the committee as a whole. The deadline for recommendations from the work groups to the whole is the 17th of June.