

USFS National Advisory Committee – Forest Planning Rule Implementation
June 24-27
Meeting Summary

Decisions/Next Steps

1. The next committee meeting will be from August 27-29
 - a. The Forest Service will set a location for the August meeting to minimize cost and maximize the ease of travel.
 - b. The August meeting will focus on the directives.
 - c. Travel to the August meeting – Monday, August 26 and Thursday afternoon, August 20.
 - d. The meeting will include two and a half days – August 27 and 28 and the morning of August 29 (before the Labor Day weekend).
2. Development of recommendations will continue prior to the August meeting.
 - a. The committee will use individual drafts, working group calls and a full committee call to produce the draft recommendations.
 - b. The full committee call will focus on questions about the drafts (rather than trying to build agreements-in-principle).
 - c. Kathleen and Mike will create a Doodle poll to set dates for working group calls and the full-committee Q-and-A call.
3. A uniform format for committee recommendations will be developed and will include an index.
4. Working groups will finalize recommendations for consideration at the August meeting. These include: objections process, adaptive management, NRV-Desired Conditions, climate change, species of conservation concern (SCC); wilderness; outreach for diversity; social, economic and cultural analysis; and NEPA integration. Public involvement will be addressed by the whole committee in August meeting.
5. A subcommittee of Working Group P is interested in working with external experts on a collaborative planning resource/tool/guide.
6. The following committee meeting will take place the week of October 28 in North Carolina at the Cradle of Forestry.
 - a. Assuming recommendations are completed in August, the committee's meeting in October will focus on a final review of the whole body of recommendations. This could include a dialogue with USFS leadership. The committee will define additional agenda items for October, consistent with their charter.
 - b. Specific days will be determined as soon as possible and will be driven by facility availability, the agenda and the committee's needs

I. Opening

Tony Tooke, the Designated Federal Official, offered three reflections on the committee's work to date:

- 1) The Forest Service appreciates the committee's time and effort;
- 2) The committee has created a learning environment – and in doing so has raised the understanding of the intent of the rule and the directives, and
- 3) Translating that intent to recommendations to the Forest Service is critical.

Mr. Tooke introduced USFS staff in the room, and explained the purpose of their presence in the meeting:

- A number of regional planners are here to offer insights about early adopter experience and their own experience implementing the new rule thus far.

- Many of the authors of the rule and of the directives are here should the committee have questions about their work.
- To be as efficient as possible, the Forest Service staff linked its own meetings to the committee meeting.
- There is great value in having the staff here to hear committee concerns and questions.

II. Introductions and Updates from Committee Members

Committee members continue to meet with and hear from constituents, co-workers and fellow community members. Insights from these conversations include:

- Important to protect indigenous communities who are working directly on the land and who rely on it for their lives and the expression of their cultures
- Important that forest planners learn about the place they are assigned and introduce themselves to county commissioner, local officials and those who live in the communities that are part of the forest – in many of these communities there are high rates of poverty, serious impacts from fire, and other pressing issues related to the forest
- Important that implementing the rule is efficient, timely and less expensive
- Important issues include restoration, ecosystem services and multiple use
- Social, economic and recreational values are important
- Each forest's unique characteristics have to be part of the planning process and the flexibility to respond to local considerations is important
- Integration is essential rather than treating the forest like a pie that must be divided among uses; we have the opportunity to think carefully about how the rule deals with (and how the directives should deal with) multiple use
- Important to think about what's best for the country and to see the big picture
- Important to look closely at how we make the directives efficient while also allowing each interest to participate effectively and on an even playing field in the development of each forest plan
- Balance is important; strong public involvement and reasonable in terms of time and other resources; flexible enough for individual forests to respond to their circumstances and responsive to the need for something that works across forests on the big issues like timber and grazing
- Important that the directives advance the nation-to-nation relationships between tribal governments and the federal government as part of the planning processes
- Important to break through gridlock, providing sideboards and safeguards while also protecting flexibility that allows local solutions that are durable and provide a system that allows for breakthroughs at the local levels for difficult issues
- Important to remember that the forests are a priceless heritage
- Important to look for examples of successfully unified management across public and private lands that serve the interests of public lands and private landowners (this has been highly successful in Arkansas)
- Important that we ensure effective coordination with state and tribal agencies
- Important that the directives support local planning efforts in an efficient way

III. Public Comment

Mitch Silvers – Senator Crapo's Office – Idaho

- Support for collaborative efforts and their ability to resolve long-standing conflicts – Clearwater Basin Collaborative and forest plan revisions in Idaho are excellent examples of successful collaboration and public engagement – Collaborative planning builds understanding among local

- people of their forests – Each collaborative will look different – Tribes, states, local governments have to be given the right opportunity to participate – Tribes have to be at the table
- Collaboratives don't supersede the federal-tribal relationship – the consultation process has to stand alongside the collaborative processes
- Kootenai Valley Restoration Initiative is an example of a 12-year success.
- Chapter 70 – We have concerns – we think we can work through these issues in a consensus manner and we have questions about how this committee's efforts link to the work of the early adopters
- Multi-party stakeholder process – that works toward common goals – is the only way to be successful on the landscape

Laura Briefer – Water Resources Manager – Salt Lake City

- Our water supply comes from the national forest – we have a long history of working with the Forest Service in watershed protection in the Central Wasatch – In 1905 Gifford Pinchot addressed the city council, asking them to promote watershed protection – The current forest plan identifies that the underlying management should protect the watershed – water resources and public water supplies are important.
- First of two concerns – overuse of the national forest – ours is one of the most heavily used recreation areas in the country – There is pressure for new development, and while we recognize multiple use goals, we believe that the growing demand for water and the economic base that it supports are vital and have to be protected.
- Second – climate change – we have identified our climate risks – loss of snow pack, vegetation changes, and fire risk – source water protection in light of climate risk is important for the 60 million who rely on water from national forests – NEPA processes have to integrate climate science – in research and application – into their decision-making processes – and working with other federal agencies.
- Cooperating agency effort is important to us.
- Chapter 70 – wilderness designation is one important tool for watershed protection
- Planning can't be one-size-fits-all – different watersheds require different strategies – allowing adaptive management for individual areas is critical.
- Our water intakes are direct – from the streams at the base of the mountains to the east with very little retention – so we see impacts quickly – when unpermitted activities take place, we get an increase in sediment at our water treatment facility – as recreation increases (and we understand the quality-of-life and economic value of recreation).
- Finally, there is an issue of personnel – the forest is short-staffed – we fund our own rangers who can find unpermitted activities that pose risks for water supply.

IV. Content Analysis – Summary of Public Comments on the Directives; Summary of Internal Review of the Directives

The USFS team briefed the committee on the Content Analysis Team (CAT) analysis of external comments on the draft directives. The goal is to consider all comments, identify concerns that represent the depth and breadth of public concerns; identify major issues and look for areas of convergence and divergence. The FS team noted there are four inputs to improving the draft directives: Tribal Consultation, public and internal comment, and the committee.

The goal of sharing this information with the committee is to ensure the committee is optimizing its time, and is focused on the right issues at the right levels. General feedback from the committee following the presentation and discussion is that they are in fact focused on the right issues- issues where the public/professionals have identified a need for further investigation, clarification, or where the split of opinion makes clear the need for a solution that will work for all. Committee members also noted the need for sufficient time to read and review the analysis.

Overview

The Forest Service received more than 300 unique public comments and more than 17,000 replicated comments including 16,000 from The Wilderness Society, 304 from the Blue Ribbon Coalition, 13 from Tribes regarding self determination, 115 from the Recreation Aviation Foundation and 32 letters focused on shortening/simplifying the directives. The analysis of internal comments will be available the first week of July.

The process for examining the public content was to group individual comments by topic area, and assign working groups to each topic. The USFS has translated these comments into 450 concern statements. Comments in support of the draft directives focused on the broad, inclusive wilderness evaluation, adaptive management, BASI, and the collaboration-public engagement aspects. Comments in opposition of the draft directives focused on increased complexity, time intensity, legal concerns, lack of connection to the past, and flawed resource analysis.

Major themes identified include:

Public Involvement

- Time demands of public involvement and collaboration
- Integration – planning and NEPA

Social and Economic Issues

- Fiscal constraints
- BASI
- Ecosystem services

Process

- Implementability – the breadth of the directives creates a challenge – resources and time
- Need for change
- Desired conditions vs. standards
- Roles and Contributions
- Relationship to Other Directives in the FS

Wilderness

- Role of state roadless rules
- Impact of future management once they go on a list
- Process of evaluation in NEPA

Ecological

- NRV-Desired Conditions
- Width of management zones
- Climate change
- Quantifying water needs

SCC – identification and selection

- Scope of monitoring – species – which and how
- Recreation monitoring
- Biannual evaluation
- Uncertainty documentation

V. Connecting the Comments and the Seven Questions from the Forest Service

The committee next turned its attention to the seven questions the USFS has asked them to answer in their review of the directives, with an eye to ensuring they were also answering these questions as they go about developing recommendations.¹ Of the seven questions, two engendered further discussion- first around increasing implementation efficiency and effectiveness, the second conversation focused on social and economic science.

How should the committee be thinking about increased efficiency and efficacy of implementation? Neither of these terms is clearly defined, yet both will be held up to measure success. There are both questions to ask, and mechanisms in the rule that are expected to increase both. Time, scalability and resource allocation concerns underpin much of the conversation regarding efficiency, and sustainability concerns undergird that part of the conversation that is concerned with efficacy. Questions include: Can we get this done – do we have the capabilities to accomplish every element in the directives? What is a realistic timeframe – 3-4 years – can we do this even in 2 years? Can we bring that time down over time as we learn? Can work across multiple forests simultaneously achieve scale, and therefore provide for increased efficiency and efficacy? What role is there for partnering to achieve the desired increase of efficiency and efficacy? How much will the learning curve diminish, and therefore efficiency increase, with time and experience implementing the 2012 rule?

Some of the ways the rule was designed to increase implementation efficiency include: not analyzing alternatives we had no intention of pursuing; gathering existing information; investing in public engagement and assessment before NEPA; adaptive management framework; the responsible official has discretion in the scope – deciding which ‘shoulds’ apply to them; recognizing the agency authority and capacity and the land capacity; SCC – focusing on providing ecological conditions linked to species that we know are present and are at risk and broad-scale monitoring.

Social and Economic Science

Consistent with committee conversation to date, public comments indicate that the correct balance is yet to be found between social, economic, ecologic and cultural dimensions of sustainability. Guidance around social, cultural and economic dimensions is insufficient when compared to ecological sustainability throughout the directives, particularly at both the assessment and monitoring stages. Committee discussion tracked along two primary paths. The first is premised on the notion that the separation of ecological from social and economic dimensions is a false dichotomy. This conversation suggests that these elements are integrated and part of the same story– the health of the whole – people, services, water, economics, species; all are part of the full picture. The second strand of the conversation surfaced an interest in making the economic connection between the forest and the local and regional economy more explicit, covering public health needs for clean water to the economic contribution from recreation.

¹ Briefly, these are:

1. Implementation – More Efficient and Effective
2. Uncertainty and Risk
3. Species of Conservation Concern
4. Public Engagement – NEPA – Collaboration
5. Social and Economic Science
6. Accessibility to a Range of Users
7. Variability – Given Early Adopter Experience

On balance, given the overview of the CAT analysis, and revisit of the seven questions, committee members felt that they are in fact pursuing the right questions. The greatest challenge for the committee lies with their ability to help the USFS achieve the proper balance across these issues; and calibrating the scope and scale of their recommendations accordingly. Three themes emerged out of this conversation. The first is about the structure and function of the Directives. The second is about how discretion is enabled or constrained through the use of 'should', 'shall', and 'must'. And the third links to the ongoing theme that an ancillary user guide would be of great value.

Structure and function

A central question is whether the structure serves the purpose of the directives, and whether in the current form the USFS is trying to make the directives do too much. A frequent hope, repeated in this discussion, is to condense the 400-page document to a clearer 200 pages. The directives are internal guidance to the USFS which must allow for cutting to the heart of the issues on each particular forest. The directives provide both technical guidance and a roadmap. Some asserted that the committee should (advise?) separate these out-providing for a clearer, more concise roadmap in the directives, with an ancillary users guide that would scale up technical advice and process guidance using plain language. Others noted that the directives could also be reframed to be best practices/good ways to implement the rule, and less around what is required. To achieve greater clarity within the current form of the directives, the committee agreed that several structural changes were in order. These include developing a prologue- perhaps using the beginning of Chapter 20 to serve this purpose; move chapter 40 to follow the zero code (an agreement struck at the last meeting); developing a few key full lifecycle narrative examples (i.e. adaptive management, species of conservation concern) that would be located up front in Chapter 40 and consistently referenced throughout. The draft NEPA integration graphic should be refined and included upfront. Other structuring suggestions were to develop and include a major topic index, and a master page number alongside section page numbers. USFS staff noted that there are standards for writing directives that may inhibit some of these suggestions.

Level of discretion/flexibility

Underpinning the discussion about should, shall and must is an inquiry about finding the appropriate balance of direction and discretion in the directives. Some committee members explored whether a shift from 'must do' to 'here are best ways that the FS and partners should work toward' would be more likely to result in implementation efficiency/efficacy. Do the 'shoulds' become a way of setting the performance measure for staff? USFS clarified that this is not the intent. Rather, the goal is to find those things that fit the individual plan area – 'may' is optional – 'should' means do it unless you document a reason not to. In light of this explanation a suggestion was made to take hard look throughout the directives at 'should' and think about shifting those to 'may', noting the role of collaboration to inform the decision making process.

Users guide

Throughout deliberation about the directives, the committee has discussed the need for an ancillary reference or 'planning for everyone' kind of tool. The committee agreed to form a subcommittee of Working Group P – Chris Topik, Susan Jane Brown, Pete Nelson, Tom Troxel and Joan May. In addition, a group of conservation planners from the USFS, TNC and DOW - some of whom have expertise in systems planning and in producing user guides - have volunteered to assist the subcommittee. The subcommittee could produce any number of outcomes for full committee deliberation, among them a set of best practices, a user's guide, a clearinghouse or index of available resources, a guide for implementing the most difficult topics, or a cross-reference for the directives. Canvassing and working collaboratively with the early adopters was also suggested as a means of informing the guide from field experience. Given the pending deadline for directives recommendations, this work is likely to begin after or extend beyond the August meeting.

VI. Plenary Discussion – Major Topics

In the time between the last committee meeting in Ft. Collins and this meeting, several subgroups have been working to shape recommendations for work group consideration. None of these working drafts had yet been discussed at the workgroup level. This time was used to update the whole committee on progress to date, and to generate discussion on draft recommendations. Working draft recommendations cover the objections process, adaptive management, NRV-Desired Conditions, climate change, species of conservation concern (SCC); wilderness; outreach for diversity; social, economic and cultural analysis; and NEPA integration.

Objections Process

To ensure authentic engagement throughout the planning and objections resolution process, and to prevent gaming the objections process, the draft recommendation seeks to set the bar for interested parties and for objectors at the same level. Committee conversation went primarily to understanding the different status granted to interested person and objector, as well as the related eligibility requirements and roles in the objections process. Tying interested party eligibility to substantive formal comments elicited concerns about the potential chilling effect on participation. In response to this concern, it was noted that substantive formal comments are defined in Chapter 40, section 43.18 “made at specific times when formal substantive comments are recorded.” The workgroup will work to find another link to qualify participation of interested parties.

Adaptive Management

How will the directives ensure that adaptive management is done, in a timely and transparent manner with sufficient rigor? How will monitoring work at the project, plan and broad scales? These are the animating questions behind the work of committee members that are drafting a comprehensive adaptive management recommendation. Particular attention is paid to reporting and data availability, and prioritizing monitoring at two levels. First, they are exploring how to prioritize monitoring within the broader scheme of management decisions (ensuring that it is done with sufficient rigor while not tipping the needle too far into the realm of research). Second, they are exploring options to identify priority elements/characteristics to monitor, including, for example, uncertainty and risk. Committee discussion pointed to the link to BASI, and the need for rigor (i.e. details about frequency, accountability, reporting requirements, structured hypothesis testing, connecting to changes in plan components) and the caution to find the right balance between monitoring and research.

NRV-Desired Conditions

There are two central questions on this topic: Are forests required by rule to manage toward NRV and what happens if desired conditions and NRV diverge? Committee discussion surfaced that the intent to offer flexibility and the language in the directives have to align to make it clear that it is permissible to write plan components that move toward desired conditions, even when those conditions are outside NRV so long as the rationale for that divergence is clearly articulated. The rule intended to balance social, economic, cultural, and ecological integrity through a broader statement of desired conditions. Here it was noted that separating the goose from the golden egg is impossible- a metaphor to underscore the interconnectedness of social, economic, cultural and ecological integrity. The committee also discussed the need to attend to the rule’s requirements in 219.8 – ‘the plan must include plan components, including standards and guidelines to maintain or restore ecological integrity...’ and to note that the definition of ecological integrity includes NRV. NRV is defined in the directives, and resiliency is part of the definition. The group also discussed the need to move away from history and toward a reference condition that sustains future integrity. By determining reference targets for desired conditions there is more room for interpretation as to how those

conditions are defined. Going outside forest planning, to other goals and regulations – like the cohesive fire strategy – was also noted as critical to forest planning, and requires working far away from NRV. To that end, it was suggested, we may need to say in the directives that NRV is secondary to desired conditions that make it more ecologically sustainable. Additionally, committee members were reminded to tend to the link between BASI and NRV. Finally, it was noted that the notion of a “natural” range ignores the fact that these forests were managed by people long before European settlement.

Climate Change

Climate change is referred to throughout the directives; however, direction for forest planners on how climate change considerations should shape the plan is not clear. Early adopters are working through the implications of climate change provisions using vulnerability assessments. Scenario planning and describing potential future conditions were also mentioned as important to the planning process. Climate change references in the directives consistently refer to system drivers, a term for which there is no definition. A suggestion to exchange mitigation for adaptation in the directives was offered. And finally, it was noted that other important work in the Forest Service – including the range of adaptation policy – isn’t carried into the directives’ discussion of climate change.

Species of Conservation Concern

A number of key questions have driven the conversation for greater clarity in the directives on SCC’s thus far, and many of these questions go to governance, sequencing, efficiency, and transparency (i.e. when does the list go from potential to final, who is the keeper of the list, how do changes to the list impact plan components, when does the public have access to the list, how to move from large potential to workable final lists, etc.). Committee members noted the learning call with Chris Iverson was particularly helpful in answering these questions. Forest planners shared their experiences from Regions 5 and 8, noting that overall the process seems to be working -- generating large potential lists that can be reduced quickly. On the Cibola, it was a rapid transition to a manageable list of 70+ species. The list was developed in conversation with the agencies first, with plans to present the list to the general public later. Region 5 is taking a different approach- organizing the SCC discussion on a wiki site, and including public interaction. One of the hardest questions goes to species that have antagonistic habitat requirements – examining the tradeoffs and the balance between these.

Regional planners shared two key observations about collaboration and scale: identifying habitat conditions and indicators is collaborative work; and secondly that data bases and approaches that can work across forests are emerging regionally- and will improve efficiency. Committee members want to understand more about how “regularization” of these databases could serve the efficiency goal.

Final determination for SCC list happens at the same time as the record of decision. Plan components (not the list) go into record of decision. The Regional Forester completes the list as part of generating the purpose and need for the plan. The Service would file the notice of intent to develop or amend the plan; that aligns with the transition from assessment to the development of plan components. If adding or deleting a particular species doesn’t require a new or changed plan component, the list can be altered without a plan amendment. Concerns with the list are surfaced in the assessment phase as part of the work of collaboration in the planning process, and objections would happen only at the final decision point.

Wilderness

There are several animating questions that inform the development of recommendations to this chapter in the Directives. Chief among these is the degree to which Chapter 70 is in alignment with the Wilderness Act, and the 2012 Planning Rule, and linked to this, whether the broad and inclusive approach elaborated in Chapter 70 will in fact lead to a more efficient process with better quality and more broadly supported decisions on Wilderness designation. Two of the six recommendations that were scoped in Ft. Collins are underway. The first focuses on public and intergovernmental involvement in wilderness inventory and evaluation processes. Corrections to the first recommendation included adding a reference to Wild and Scenic Rivers and inventoried roadless areas.

The second seeks to clarify that existing inventories are the starting point. Referred to as the starting point, the intent behind this recommendation is to give the Forest Service direction that the inventory process should begin during assessment, and the evaluation should take place after the assessment using information from the assessment. Committee members emphasized the importance behind the distinction between those questions that are inventory questions, and those that are evaluation questions.

It was noted that the intent in drafting Chapter 70 was to align more closely to the Wilderness Act than the existing approach. Moreover, past legal challenges have heavily criticized the USFS for being overly narrow in their approach to Wilderness inventory and evaluation. Consequently, the premise in the directives is that time spent in a broad inventory with real collaboration will lead to efficiency in decision making as the inventory is narrowed. This same issue, seen from a different perspective, constitutes a significant concern for some committee members. Underpinning this concern is a two-fold fear – first, that the approach to inventory is overly broad, and as such, will increase administrative burden, thereby decreasing efficiency. The second is that those lands that are moved into the initial inventory will then be managed as de facto Wilderness, which, among other concerns, could be construed as exceeding both the Wilderness Act and the Planning Rule. Additionally, there are concerns that ‘protecting and *enhancing*’ recommended wilderness, and including areas that ‘through restoration *could be made more pristine*’ – overreach. Those with this perspective argue that better alignment between the Wilderness Act, the Planning Rule and the Directives needs to happen.

Committee members also identified gaps in Chapter 70, including the need to complete the issues scoped in Ft. Collins (e.g. roads); the need to link to the travel management rule and off-highway vehicles; reference to continuous public access; and no mention of trails, no reference in the directives to special conservation designations or a step-down to conservation areas. Discussion also surfaced an interest in ensuring the criteria in 72.1 are objective, and that this section is consistent with the Wilderness Act. Other observations included a Euro-Centric definition of ‘untrammled’ in the directives, the need to look closely at the distinction between permanent and non-permanent improvements – including those that are intended to be permanent in the permanent list given that virtually anything could be removed.

Outreach for Diversity

Understanding emerging markets and the means to reach them is the central challenge this recommendation seeks to address. Committee feedback on the draft included advice to find ways to engage Tribal youth that are outside reservations; look for opportunities to connect youth employment and land management; partner with other organizations and state resource management agencies; find ways to work with non English speakers and to revisit the last paragraph of the recommendation to ensure that it is properly contextualized.

Social, Economic and Cultural Analysis

The central question here goes to finding the appropriate balance between greater attention given to ecological than to social, economic and cultural analysis in the directives. Review of the draft recommendation included advice to identify the needs of local communities that are dependent on USFS lands, as well as to use local sources of information (e.g. state and local economic studies). Committee members suggested a proactive stance in gathering social, economic and cultural information, and partnering with local/state organizations to “get it right.” Assessments plan components and monitoring should explicitly address social, economic and cultural dimensions, and taken together, these should be reflected in adaptive management.

Valuing Ecosystem Services

No further action

NEPA Integration

The committee reviewed a graphic developed by the USFS at the last committee meeting depicting the integration between the planning process and NEPA processes, as well as a white paper drafted to address key questions. Committee discussion focused on the implications of and relationship between the notice to begin assessment required by the planning rule (a new addition) and the notice of intent (NEPA). Some committee members asserted that filing the NOI as soon as possible is critical. Concerns about how the notice to begin assessment and NOI interact included advice to inform stakeholders typically inclined to begin their participation once the NOI is filed to join earlier, so as not to miss key shaping opportunities on the one hand, and caution that describing the goal as “incremental improvements” to the proposed action gives the impression that the Forest Service has made all of the important decisions before filing a notice of intent. A suggestion was offered to consider adding detail on the expected timeframe for an assessment, as deadlines would help both with efficiency and clarity of process (i.e. when does the assessment end and NEPA scoping begin). Another suggestion was to notice BOTH the notice to begin assessment as well as the NOI in the Federal Register. The working group will take up edits to the graphic, and recommend including it in the final version of the directives.

Working Groups

Working groups were convened to continue revising and/or developing draft recommendations for final consideration in the August meeting.