

**Statement of
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Under Secretary for Natural Resources and Environment
U.S. Department of Agriculture
Before the
Subcommittee on Conservation, Energy and Forestry
House Agriculture Committee
United States House of Representatives**

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Concerning

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 U.S. Department of Agriculture 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.

The timing of this hearing could not be better, coming in the midst of a 90-day public comment period on the proposed planning rule that runs through May 16, 2011. Our intent is to issue a final planning rule by the end of this year.

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, values, and benefits provided by NFS lands.

Additionally, developing 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 more incrementally as conditions change. This can result in a drawn-out, difficult, and costly revision process and has made it challenging for units 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, but the 2000 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. In 2009, the court's decision brought the 2000 rule back into 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 allows the Agency to respond to new challenges and management objectives for NFS lands.

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 the 2011 proposed planning rule. We strongly believe that involving the public through a participatory, open, and meaningful process is the best way to develop this new planning rule. Our goal has been to learn from the previous efforts, and listen to input from the public, Agency employees, other governmental representatives, and internal and external scientists to develop a proposal for additional public feedback. As a result, the proposed rule now out for public comment is the product of the most participatory and transparent planning rule development process in Forest Service history.

The development of the 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 reviews, 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.

Since the proposed rule was published in February, we have also taken the unprecedented step of hosting another series of meetings to provide stakeholders with information about the proposal in order to help inform their comments on 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 were presented through video teleconferencing, reaching 74 locations across the country in all.

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 see so many people take the time to come out to workshops on their local units, participate via the internet, or submit comments, we are gratified to see once more how people truly cherish their National Forests and Grasslands and care deeply about their management.

Proposed Rule

The department and Forest Service used the input we received through our planning process to develop the proposed rule and DEIS now out for public comment. The proposed rule provides a framework for planning in order to sustain and restore the health and resilience of our National Forests. The goal is 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 proposed rule will help the Agency to 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.

The proposed rule emphasizes integrated resource management so that all relevant elements of the system are considered as a whole, instead of as separate resources or uses. The proposed rule includes requirements to sustain and restore the health and resilience of our National Forests and watersheds. There is a strong emphasis on protecting and enhancing water resources, including important sources of drinking water for downstream communities.

The proposed rule includes requirements to provide for diversity of plant and animal communities, and is 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 proposed rule includes requirements 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 proposed rule creates a framework that would allow adaptive land management planning in the face of climate change, and each phase of the framework addresses climate change.

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

The proposed rule strengthens public engagement throughout the planning process, specifying 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.

The proposed rule requires taking into account the most accurate, reliable, and relevant scientific information available in order for responsible officials to make informed decisions during 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 proposed rule creates a strategy for monitoring 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.

The proposed rule also requires that NFS lands be managed in the context of the broader landscape. While the proposed rule explicitly reaffirms that the Forest Service does not intend to and cannot direct management of lands outside the NFS, 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

The proposed rule seeks to create framework that will allow the department and Forest Service to more effectively restore and protect our natural resources, support communities, and adapt to changing conditions. It represents our desire to create a modern planning rule based on science, public input, and Agency experience.

Management of America's 193 million acres of national forests, grasslands and prairies is enormously important as we work to win the future for the next generation. This Administration's goal is to collaboratively develop a meaningful and enduring planning rule and a more efficient, effective, and participatory land management planning process.

The proposed rule and DEIS are currently out for public comment. The department and Forest Service are eager to receive feedback from the public by the end of the comment period, and look forward to reviewing that input in order to develop a final rule that is practical, workable, and reflective of our shared values and vision for America's National Forest System.

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