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Department of
Agriculture

Forest
Service

Pacific
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Region

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Subject: IMPROVING CONSERVATION OPTIONS FOR NATIONAL FORESTS IN THE SIERRA NEVADA

To: Forest Supervisors: Modoc, Lassen, Plumas, Tahoe, Eldorado, Stanislaus, Sierra, Inyo, Sequoia
National Forests and LTBMU

We have discussed with you the approach to the Sierra Nevada Conservation Framework (SNCF). The need and urgency for taking action are identified in SNEP, other scientific sources, the CASPO RDEIS and the CASPO FAC Report. We are now moving forward, in collaboration with State agencies, other federal agencies and numerous other partners, on all four tasks we outlined for this effort. This approach conforms with the Forest Service Natural Resource Agenda, specifically the two themes of watershed health and sustainable forest management and the principles of partnerships, science based decision making, collaborative stewardship and accountability. It also conforms with recommendations made in the CASPO FAC Report. PSW scientists are working in partnership with us to develop a strong scientific basis for all work required to assemble this framework.

The approach has both short and long term components. The four tasks are outlined below indicating probable time frames. Because the approach is based on collaboration and active engagement by partners, communities, communities of interest and stakeholders, it is possible that both time frames and details of each of the tasks may change as we proceed.

Task 1--this letter. The purpose is to clarify existing guidelines and identify relevant new information that should be considered in planning your FY98 and FY99 programs of work such that we improve conservation options for key resources at issue. These include Old Forests and Old Forest associated species(including California Spotted Owl and meso-carnivores/furbearers); Roadless Areas; Riparian and Aquatic Ecosystems; and, Fire and Fuels Management.

Task 2--a synthesis of the need for new direction from existing science, scientific reports, and an evaluation of how implementation of CASPO Interim Guidelines affects the above mentioned key resources at issue. PSW scientists will draft the synthesis and participate in the evaluation, which will be subject to interagency and peer review prior to its use in focusing Task 3. Completion of this task is scheduled for mid-summer.

Task 3--development and adoption of forest plan amendments, together with required NEPA process. The amendments will conform the forest plans with

new scientific information and protect resource values. This task will take 12 to 18 months to complete and will conform with forest plan amendment procedures and all NEPA requirements. I expect this task to be completed by July of 1999.

Task 4--development of a long-range conservation framework that describes broad goals for the health and management of ecosystems in the Sierra and protocols for watershed level planning and implementation of actions to achieve those goals in coordination across the Sierra Nevada range. It is envisioned to be an open, fully collaborative process utilizing the interagency model that has evolved under the California Biodiversity Council (CBC) to provide leadership oversight and coordination at the local, regional and rangewide scales. This task will begin immediately and run concurrently with tasks 2 and 3, and may take three to four years to complete. It would be available to inform Forest plan and other landowner entity plan revisions.

The remainder of this letter constitutes Task 1. An overriding tenet in the policy guidance and clarification contained herein is the timely and appropriate use of new information as provided in 36 CFR 219.12(d) and 40 CFR 1500.1(b). Also, FSH 1909.15, part 18.1 requires review of new information to determine if there is need to change a decision that has not yet been fully implemented. What follows is predicated on new information since 1993.

This letter does not apply to any project for which there is an awarded contract or, in the case of proposed timber sales, where bids have already been opened. Fuels, timber or road projects should comply with the direction stated below regardless of whether they have signed NEPA decisions. This letter applies to the 8 Sierra Nevada national forests and those parts of the Lassen and Modoc National Forests not under the direction of the Northwest Forest Plan. All laws, rules, and regulations applicable to the management of National Forest System lands continue to apply.

MANAGEMENT OF OLD FORESTS, FOREST CARNIVORES AND CALIFORNIA SPOTTED OWL

The Region recognizes that old forests are valuable natural resources worthy of protection, restoration and management. The management of old and late successional forests and species dependent on these ecosystems continues to be a matter of concern and controversy. A broad range of scientifically sound alternatives for old forest conservation and management have been proposed. There is continuing scientific dialogue on some of the details of how old forests should be defined in the Sierra Nevada, at what geographic scale the definitions apply, and how such forests should be managed to sustain their many values. Criteria for old forests contained in various scientific studies and reports differ.

The need for conserving California spotted owl habitat in order to enhance the owl's viability is widely recognized. The Decision Notice for the 1993 California Spotted Owl Sierran Province Interim Guidelines Environmental Assessment (CASPO) included an option to apply "adaptive management" when a project-specific biological evaluation clearly demonstrated that the intent of the CASPO recommendations was better achieved through an alternative prescription. The region recognizes the value of continued dialogue to address questions from some scientists and members of the public regarding habitat and it's management.

Concerns regarding the continued viability of mesocarnivores (animals historically known as furbearers) must also be addressed in the Sierra Nevada. In 1990 and 1994

petitions were made to the U.S. Fish and Wildlife Service to list the Pacific fisher under the Endangered Species Act, based on status review findings.

In FY99 the Region will initiate work with PSW scientists and other mesocarnivore experts to refine habitat models for marten (*Martes americana*) and fisher (*Martes pennanti*) and use these to map suitable habitats throughout the Sierra Nevada. In addition, a Population Viability Assessment will be initiated by PSW in FY99. Information from the viability assessment plus the above modeling and mapping will be used to develop management strategies to maintain viable, well-distributed populations of marten and fisher in the Sierra Nevada as part of Tasks 3 and 4.

What We Will Do in FY98 and 99:

Old Forest: The PSW Station, working with scientists from other Stations, agencies and universities as appropriate, will help analyze the existing methods of defining old forests and assess how this knowledge can be integrated into forest management. Until this information is available, I am suggesting you avoid proposing or offering timber sales within high-quality late seral/old forests as identified in the SNEP Report (Vol. II, Chapter 21, polygons ranked 4 or 5). We will continue our current practice of removing trees that are a demonstrated hazard to human safety, regardless of size. We will also continue to meet our wildfire suppression obligations. Management activities intended to reduce fire hazard to old forests should be based on careful analysis of the present condition in the project area. The analysis, which should be included in the project NEPA documents, should include: 1) a description of the fuel profile, modeling of the fire behavior, and expected effects of typical fire behavior under current conditions and after treatment; 2) an evaluation of the likelihood of an ignition occurring, based on the ignition rate and large fire history; and, 3) the relative risk to old forests and associated species of deferring fuels reduction management.

California Spotted Owl: Forests will continue to apply the CASPO Interim Guidelines as part of current policy. A regional technical, interdisciplinary oversight team made up of RO and PSW staff will review all timber and fuels management projects proposed under the adaptive management provision of the Interim Guidelines and make a recommendation on whether they should proceed as planned. The Regional Forester will review their results for consistency with policy. Projects that have been approved as scientific research or administrative studies will be exempted from this review. Projects proposed under the adaptive management provision should: 1) include specific provisions for directly monitoring the effects on Spotted Owls and their habitat, and 2) reflect consideration of the recommendations for adaptive management projects outlined in the 2400/2670/1950 memo of 11 December 1996 on Adaptive Management Under CASPO Interim Guidelines. The Region will soon distribute further clarification on the regional technical oversight team, including a set of instructions on how to submit projects for review.

Mesocarnivores: The direction under "Old Forest" above will help maintain options for mesocarnivores during the period prior to completion of any new direction resulting from Tasks 2 and 3. For all projects with suitable mesocarnivore habitat, Forests should analyze direct, indirect, and cumulative effects, using the biological evaluation process to disclose those effects on legacy structure and large hardwood components. Additionally, the strategy outlined below to analyze the current habitat and management situation will form the basis of subsequent NEPA analysis.

Most Sierra Nevada National Forests have established management networks for marten and/or fisher. A PSW led science team will review the identification process and

management of these networks for adequacy in maintaining habitat for viable well-distributed populations of marten and fisher.

1. To assist PSW scientists in their review of current R5 habitat management for marten and fisher, Forests with networks are requested to provide their GIS or hard copy maps to the Remote Sensing Lab for creation of a digitized Sierra-wide map of these networks no later than five weeks from date of this letter. Ralph Warbington will be the contact for the GIS work. Each responding Forest should then complete a questionnaire (which will be designed in early May by the RO, field and PSW) to elucidate the processes used and decisions made in identifying the network, and in determining management of the network.

2. To maintain habitat options for marten and fisher, the Forests with identified networks should: (A) defer management activities that significantly decrease the legacy structural elements of large diameter live trees, snags and down logs in forest carnivore habitat network areas not covered by CASPO standards (these are the elements that appear to be most critical to selection of habitats by marten and fisher, and are not replaceable within a timeframe conducive to uninterrupted use of the habitat); and (B) retain standing large diameter (>40cm or 15 inches dbh) hardwoods in the form of black oak and California live oak within the forest carnivore habitat networks. This approach should be coordinated with and be reflected in fuels treatment projects.

3. We will use the regional oversight process being established for review of Biological Evaluations concerning the effects of adaptive management under the CASPO Interim Guidelines to examine how potential effects to marten and fisher are being identified, analyzed and mitigated (refer to the "California Spotted Owl" section of this letter). The BEs will be reviewed for adequacy of analysis regarding direct, indirect and cumulative effects of implementing adaptive management prescriptions on marten and fisher. This review will be facilitated by including forest carnivore subject matter specialist(s) on the oversight review team.

4. Any Sierra Nevada national forest that has not identified a marten/and or fisher habitat network should do so by early FY99. Until a network is identified, adaptive management projects will be submitted for review by the Regional Oversight Team. Projects proposed without the adaptive management provision should either (A) survey suitable habitat, as determined using Freel 1991 and more recent information provided in Zielinski and Kucera 1995: "American marten, fisher, lynx and wolverine: survey methods for their detection", and use the protocol established in Zielinski and Kucera (1995); or (B) In areas of suitable habitat that are not surveyed, assume the species are present.

ROADLESS AREAS

It is current Forest Service policy to proceed with road building projects in inventoried roadless areas only after full disclosure in an Environmental Impact Statement. The Chief will soon issue a new policy concerning management of roads and roadless areas. Until that time, we should avoid the extra effort required in an EIS process and propose no new roads in inventoried roadless areas.

RIPARIAN AND AQUATIC ECOSYSTEMS

We remain committed to the maintenance and restoration of the health of the riparian and aquatic systems under our stewardship. Since Forest Plans in the Sierra Nevada were first implemented, much new information has been developed that

can assist us in our management. While any adjustment to current Forest Plan Standards and Guidelines must depend on the completion of a NEPA process, there are things we can do now to help us retain our conservation options for these systems.

What we will do

Any new projects in riparian areas should be specifically designed to protect, restore and/or enhance riparian and aquatic ecosystems.

When planning projects, you should consider new scientific information that addresses the full range of ecological attributes and geomorphic and hydrologic processes that are important to riparian and aquatic function. Summaries of this information can be found in SNEP, Volume 2 Ch. 36, and FEMAT Chapter V. Current Forest plan RMZ widths should be considered minimums for all projects.

The PSW Station will assist the Region in analyzing existing approaches used to define riparian areas and assess how this knowledge can be integrated into management strategies for riparian and aquatic ecosystems.

FIRE AND FUELS MANAGEMENT

The Cal Owl RDEIS, FAC Report and the SNEP Report identified large, high severity wildfires as a threat to natural resources in the Sierra Nevada. All of these reports also stressed the importance of fire as a major natural disturbance influence in shaping and maintaining Sierra Nevada forests in a healthy, resilient and productive condition and recommended increases in the use of prescribed fire and fuel treatments. Each report emphasized the need to restore fire to the ecosystem to reduce the impacts of severe wildfires to owl habitat, riparian areas, old forests and other ecosystem attributes. This letter is intended to reinforce this theme, encourage the national forests to continue their emphasis on fire and fuel management, protect ecosystems and improve conservation options, and encourage partnerships with other agencies to make our work more effective. At the regional level, we intend to continue our full participation in the interagency California Fire Alliance which should support and encourage collaborative project planning and coordination at the forest level.

What we will do

All fuel treatment projects should be designed in a manner consistent with our intent to preserve conservation options as outlined under the previous elements above. The following criteria should be used to identify fuels management priorities in Sierra Nevada national forests. They are ranked in order of importance:

- 1) Treatments in high risk interface areas with special emphasis on projects in short interval, fire dependent ecosystems; 2) Treatments that are planned cooperatively with federal, state and local partners to develop common fuels, risk and hazard layers and that present opportunities for using existing fuels funds more effectively;
- 3) Treatments which reduce expected long range fire suppression costs by restoration and maintenance of fire adapted ecosystems at risk from damaging wildfire, beyond the interface areas; and
- 4) Treatments within and adjacent to wilderness areas that potentially reduce wildland fire possibilities.

This ranking should help determine where adjustments can and should be made to treat fuels while we improve our short-term conservation options for old forests, riparian and aquatic ecosystems and forest carnivores and the California spotted owl. In the near-term, we may incur a somewhat greater risk of wildfire in some areas where we choose to defer fuels reduction projects in order to meet the other objectives stated in this letter. And thus the risk of losing habitat and old-forest values is a potential. Tasks 3 and 4 will help us determine how to balance these short-term conservation needs with the reality that we need to manage and reduce fuels to maintain our long-term options.

Long-term options include making sure we retain the ability to manage fire in the future. National Forests must maintain a minimum number of resources in the Sierra Nevada to suppress unwanted wildland fires and to provide the expertise needed to accomplish fuels management and prescribed burning objectives. Forest have been assigned a minimum fire preparedness resource target in the final FY98 planning and budget advice, that defines a minimum level of suppression resources on each of the 10 National Forests in the Sierra Nevada. The Forests should maintain these resources.

In summary, this letter provides advice on preparing and implementing our FY98 and FY99 programs. Our intent is to improve our conservation options as we move toward future forest plan amendments and revisions. This letter references new information that must be considered. I expect consistency of application and full coordination as we proceed. If you have any questions on how to proceed, please let us hear from you in a timely fashion. Thanks for your continued efforts to move us forward with our Sierra strategy.

/s/ G. Lynn Sprague

G. LYNN SPRAGUE
Regional Forester

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NEWS

**Forest Service
United States
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USDA FOREST SERVICE RELEASES DATA AND BEGINS PUBLIC DISCOURSE ON FUTURE OF NATIONAL FORESTS IN SIERRA NEVADA MOUNTAINS

SAN FRANCISCO, August 10, 1998--With today's release of two new documents for public review, USDA's Forest Service (FS) wants to engage the public in helping determine the future of the 10 national forests (NF's) in the Sierra Nevada mountain range.

Pacific Southwest Regional Forester Lynn Sprague and Pacific Southwest Research Station Director Hal Salwasser are announcing the availability of two newly-completed documents. They are asking the public to review the scientific and management direction information in them between now and Oct. 3.

Sprague will use the resultant input from individuals, interests, tribes, agencies and organizations to develop a proposed action. Following additional opportunities for public involvement, FS will change management direction and amend the land management plans for the 10 NF's in the Sierra Nevada by the end of July next year.

The Research Station's Sierra Nevada Science Review is a synthesis of recent scientific information related to broad-scale concerns that FS feels are of urgency to those 10 NF's, and are not well-addressed elsewhere. Issues addressed include human demographic changes, fire and fuels, old-forest ecosystems, and water-associated ecosystems such as streamside zones. Wildlife species associated with those ecosystems are also addressed. The Region's Summary of Existing Management Direction addresses current FS management related to information in the science review.

The science review is available on the Internet at www.psw.fs.fed.us/sierra/. The management direction summary is at www.r5.fs.fed.us/. Either report can also be obtained by calling Rick Alexander at 415-705-1837 or writing PAC-- Sierra Nevada Conservation Framework; USDA Forest Service; 630 Sansome; San Francisco, CA 94111.

"Basically, we are asking the public two questions at this point in the planning process," Sprague and Salwasser said. "We want to know if people can identify scientific

information that would either add to, or cause us to modify, the issues or findings in the science review. And we are asking, in light of the science review and other new information, what changes people would suggest for management on those national forests."

Between now and Oct. 3, forest supervisors will convene meetings in Sierra communities to discuss these and related questions. The meetings will be one of several ways the agency will invite input and dialogue. Then, on Oct. 3, Sprague and Salwasser will convene a meeting in Sacramento for a discussion among statewide interests.

After considering all input, Sprague will develop the proposed action by Oct. 30. A formal planning process will follow, culminating in the July decision.

This planning process is part of a larger effort. Concurrent with the planning process, FS is working collaboratively with all interests and landowners across the entire mountain range to develop a longer-term conservation framework.

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TITLE IV
THE HERGER-FEINSTEIN QUINCY LIBRARY
GROUP FOREST RECOVERY ACT

SEC. 401. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.--For purpose of this section, the term "Quincy Library Group Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "*QUINCY LIBRARY GROUP Community Stability Proposal*", dated October 12, 1993, and prepared by *VESTRA* Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.

(1) PILOT PROJECT AND PURPOSE.-- The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement (a record of decision for which shall be adopted within 300 days), shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.--The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "*QUINCY LIBRARY GROUP Community Stability Proposal*", dated October 12, 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS, RIPARIAN PROTECTION AND COMPLIANCE.--

(1) EXCLUSION.--All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.--

(A) IN GENERAL.--The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.--The guidelines referred to in subparagraph (A) are those in the document entitled "*Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest*", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(C) LIMITATION.--Nothing in this section shall be construed to require the application of the Scientific Analysis Team guidelines to any livestock grazing in the pilot project area during the term of the pilot project, unless the livestock grazing is being conducted in the specific location at which the Scientific Analysis Team guidelines are being applied to an activity under subsection (d).

(3) COMPLIANCE.--All Resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Sierran Provenance Interim Guidelines of the subsequently issued guidelines, whichever are in effect.

(4) ROADLESS AREA PROTECTION.--The Regional Forester for Region 5 shall direct that any resource management activity required by subsection (d) (1) and (2), all road building, all timber harvesting activities, and any riparian management under subsection (d)(4) that utilizes road construction or timber harvesting shall not be conducted on Federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest that are designated as either "Off Base" or "Deferred" on the map referred to in subsection (a). Such direction shall be effective during the term of the pilot project.

(d) RESOURCE MANAGEMENT ACTIVITIES.--During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.--Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.--Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.--Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.--Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.--The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) RIPARIAN MANAGEMENT.--A program of riparian management, including wide protection zones and riparian restoration projects, consistent with riparian protection guidelines in subsection (c)(2)(B).

(e) COST-EFFECTIVENESS.--In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) FUNDING.

(1) SOURCE OF FUNDS.--In conducting the pilot project, the Secretary shall use, subject to the relevant reprogramming guidelines of the House and Senate Committees on Appropriations--

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal ; and

(B) year-end excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.--The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.--Subject to normal reprogramming guidelines, during the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain year-end excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.--The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.--The Secretary shall seek to ensure that of amounts available to carry out this section---

(A) not more than 12 percent is used or allocated for general administration or other overhead; and

(B) at least 88 percent is used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.--There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(7) BASELINE FUNDS.--Amounts available for resource management activities authorized under subsection (d) shall at a minimum include existing baseline funding levels.

(g) TERM OF PILOT PROJECT.--The Secretary shall conduct the pilot project until the earlier of: (1) the date on which the Secretary completes amendment or revision of the land and resource management plans directed under and in compliance with subsection (i) for the Plumas National Forest, Lassen National Forest, and Tahoe National Forest; or (2) five years after the date of the commencement of the pilot project.

(h) CONSULTATION.--(1) The statement required by subsection (b)(1) shall be prepared in consultation with interested members of the public, including the Quincy Library Group.

(2) CONTRACTING.--The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(i) CORRESPONDING FOREST PLAN AMENDMENTS.--Within 2 years after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that--

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group-Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102 (2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(j) STATUS REPORTS.--

(1) IN GENERAL.--Not later than February 28 of each year during the term of the pilot project, the Secretary shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (f) (1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts

drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A proposed schedule for the resource management activities to be undertaken in the pilot project area during the 1-year period beginning on the date of submittal of the report.

(G) A description of any adverse environmental impacts from the pilot project.

(2) LIMITATION ON EXPENDITURES.--The amount of Federal funds expended on each annual report under this subsection shall not exceed \$125,000.

(k) FINAL REPORT.--

(1) IN GENERAL.--The Secretary shall establish an independent scientific panel to review and report on whether, and to what extent, implementation of the pilot project under this section achieved the goals stated in the Quincy Library Group-Community Stability Proposal, including improved ecological health and community stability. The membership of the panel shall reflect expertise in diverse disciplines in order to adequately address all of those goals.

(2) PREPARATION.--The panel shall initiate such review no sooner than 18 months after the first day of the term of the pilot project under subsection (g). The panel shall prepare the report in consultation with interested members of the public, including the Quincy Library Group. The report shall include, but not be limited to, the following:

(A) A description of any adverse environmental impacts resulting from implementation of the pilot project.

(B) An assessment of watershed monitoring data on lands treated pursuant to this section. Such assessment shall address the following issues on a priority basis: timing of water releases; water quality changes; and water yield changes over the short- and long-term in the pilot project area.

(3) SUBMISSION TO THE CONGRESS.--The panel shall submit the final report to the Congress as soon as practicable, but in no case later than 18 months after completion of the pilot project.

(4) LIMITATION ON EXPENDITURES.--The amount of Federal funds expended for the report under this subsection, other than for watershed monitoring, shall not exceed \$350,000. The amount of Federal funds expended for watershed monitoring under this subsection shall not exceed \$175,000 for each fiscal year in which the report is prepared.

(l) RELATIONSHIP TO OTHER LAWS.--Nothing in this section exempts the pilot project from any Federal environmental law.

(m) LOANS FOR DEMONSTRATION PROJECTS FOR WOOD WASTE OR LOW-QUALITY WOOD BYPRODUCTS.--

(1) EVALUATION OF LOAN ADVISABILITY.-- The Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) (in this section referred to as the "Corporation") shall evaluate the advisability of making commercialization assistance loans under section 1661 of such Act (7 U.S.C. 5905) to support a minimum of 2 demonstration projects for the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products.

(2) LOCATION OF DEMONSTRATION PROJECTS.--If the Corporation determines to make loans under this subsection to support the development and demonstration of commercial application of technology to convert wood waste or low-quality wood by-products into usable , higher value products, the Corporation shall consider making one loan with regard to a demonstration project to be conducted in the pilot project area and one loan with regard to a demonstration project to be conducted in southeast Alaska.

(3) ELIGIBILITY REQUIREMENTS.--To be eligible for a loan under this subsection, a demonstration project shall be required to satisfy the eligibility requirements imposed by the Corporation under section 1661 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5905).

SEC. 402. SHORT TITLE. Section 401 of this title may be cited as the "*Herger-Feinstein Quincy Library Group Forest Recovery Act*".



[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

Sierra Nevada Forest Plan Amendment Project EIS

AGENCY: Forest Service, USDA

ACTION: Notice of intent to prepare an environmental impact statement

SUMMARY: The Department of Agriculture, Forest Service, Regions 4 and 5 will prepare an environmental impact statement (EIS) to amend eleven National Forest Land and Resource Management Plans and the Regional Guides for the Intermountain and Pacific Southwest Regions in response to changed circumstances and new information resulting from the report of the Sierra Nevada Ecosystem Project, the Sierra Nevada Science Review, and the Summary of Existing Management Direction. The Land and Resource Management Plans to be amended encompass the Humboldt-Toiyabe, Modoc, Lassen, Plumas, Tahoe, Eldorado, Stanislaus, Sierra, Sequoia, and Inyo National Forests, and the Lake Tahoe Basin Management Unit.

DATES: The public is asked to provide any additional information they believe the Forest Service may still not have at this time, and to submit any issues (points of concern, debate, dispute or disagreement) regarding potential effects of the proposed action or alternatives by January 19, 1999.

ADDRESSES: Send written comments to Steve Clauson, EIS Team Leader, USDA Forest Service, Sierra Nevada Framework Project, Room 419, 801 "I" Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION: Contact Steve Clauson, EIS Team Leader, USDA Forest Service, Sierra Nevada Framework Project, Room 419, 801 "I" Street, Sacramento, CA 95814. Phone number - 916-492-7554.

SUPPLEMENTARY INFORMATION:

Background

In the Pacific Southwest Region, Region 5 of the Forest Service, a Sierra Nevada-wide planning effort was initiated in 1992 to protect the California spotted owl (CASPO). This planning responded to Forest Service research on the status and viability of the California spotted owl (CASPO Technical Report, 1992). The CASPO report recommended interim management guidelines be adopted to protect California spotted owl populations while a more comprehensive management plan was developed. An environmental assessment to implement interim guidelines was prepared and a Decision Notice approving implementation of interim guidelines was signed on January 13, 1993. To develop a comprehensive management plan, the Forest Service prepared a draft environmental impact statement (EIS) for the comprehensive management of California spotted owl in 1995. A revised draft EIS was scheduled for release in 1996, however new scientific information came to light and work was suspended pending the report of a Federal Advisory Committee

(FAC) that was chartered to review the revised draft EIS. The work of the FAC was influenced by the Sierra Nevada Ecosystem Project (SNEP), which produced four volumes of scientific assessments including several papers exploring possible management strategies, and made available large databases and maps for the Sierra Nevada.

The Federal Advisory Committee concluded that the revised draft EIS was inadequate in its current form as either an owl or ecosystem management EIS ("Final Report of the California Spotted Owl Federal Advisory Committee", USDA, December 1997). The FAC report identified specific critical shortcomings and offered recommendations to address inconsistencies with scientific information, flaws in some key elements of the analysis process, and the need for a more collaborative planning process. The Forest Service has redirected the EIS effort in response to the FAC report and other information.

On July 24, 1998, a team of scientists from the USDA Forest Service, Pacific Southwest Research Station, produced the Sierra Nevada Science Review (USDA Forest Service, Pacific Southwest Research Station, July 24, 1998), a review of current scientific information with attention to issues of urgent priority at Sierra Nevada Range-wide scale. A companion document, the Summary of Existing Management Direction, released on August 11, 1998, summarized existing management direction related to issues brought forward in the Science Review. This new scientific information has implications for existing forest plans, social values, and environmental trends in the Sierra Nevada.

The report of the Sierra Nevada Ecosystem Project concludes: "Most of the problems of the Sierra can be solved, although the timeframe and degree of solution will differ depending on the problem." ("Sierra Nevada Ecosystem Project, Final Report to Congress", Davis: University of California, Centers for Water and Wildland Resources, 1996.) For many of these problems, a range-wide or multi-forest planning approach is needed.

The Land and Resource Management Plans for the eleven national forests in the Sierra Nevada Range and Modoc Plateau were developed in the 1980's and early 1990's. These plans were independently prepared and adopted in response to concerns at the scale appropriate for each forest. Given the science that recently emerged concerning issues that go beyond the individual forest and ownership boundaries, there is an urgent need to amend the plans to reflect this new information and achieve range-wide consistency. In response to this need, on July 10, 1998 Regional Forester G. Lynn Sprague, in cooperation with Region 4, committed to developing new management direction, where necessary, to address concerns on the Sierra Nevada national forests (63 FR 37314). This EIS is part of the overall Sierra Nevada Framework for Conservation and Collaboration, which will continue to develop solutions to interagency issues and encourage communication on management of wildlands in the Sierra Nevada Range.

Public Involvement

During 1998, nearly 1,000 people participated in 37 community based workshops to provide their perspectives on the Science Review, the Summary of Existing Management Direction, and other information relevant to the EIS. The majority of the workshops took place in Sierra Nevada communities. A Tribal Summit was held in Tahoe City and a state-wide workshop was held in Davis. Other meetings were held in San Francisco, Los Angeles, and Carson City, Nevada. Written comments were submitted at the workshops, on the Internet, and in letters.

People attending the September and October workshops were asked to respond to two questions: (1) is there other new science relevant to Sierra Nevada national forest management that would cause us to add to or modify the findings in the Science Review, and (2) in light of the Science Review and other new information, what changes would you suggest for management direction in the Sierra Nevada national forests? Responses to

these questions, together with the agency's analysis of the new science, information, and legal requirements, were used in framing the proposed action and possible alternatives presented in this Notice of Intent.

In addition to problems or concerns to be addressed in the EIS, many additional concerns surfaced in September and October that are not appropriate to address in the proposed action. Concurrent with this Notice of Intent, the Forest Service has produced a "Design Paper" that documents the agency's proposal for addressing concerns outside the scope of the proposed action. The Design Paper is available on the Internet at www.r5.fs.fed.us or by request to the Sierra Nevada Framework Project at the address given in the For Further Information section.

Public comments received during this period reflected a wide range of social perspectives. Participants largely agreed on broad conservation principles. There were, however, many different perspectives on how the principles might be implemented. The wide variation in community responses confirmed the need to include local residents, as well as regional and national interests, in the design and refinement of alternatives. Numerous suggestions were made encouraging the Forest Service to work with other federal agencies, Indian Tribes, state and local governments, and organizations to solve Sierra Nevada-wide problems. The recommendations and suggestions received during meetings will be reviewed again during the scoping period.

Each Sierra Nevada national forest will continue dialogues with interested members of the public and other agencies throughout the environmental analysis process. Each forest will host community discussions to explain and hear responses to this Notice of Intent. Workshops will be designed to receive suggestions and recommendations regarding the proposed action as well as information that could help frame alternatives. Specific locations and dates of the meetings will be posted on the Internet at www.r5.fs.fed.us and in the newspaper of record for each Sierra Nevada national forest.

Scope

The selection of problems for inclusion in the EIS was based on the following criteria: (1) new scientific information is available about the extent, intensity, or duration of the problem, (2) geographic scale is broad, (3) public perception or environmental risk, as judged by the science community, indicates action should be taken now, and (4) the problem is not well addressed elsewhere.

A single EIS amending the eleven forest plans is proposed because: (1) some problems may only be treatable at a range-wide scale, (2) the public, Indian Tribes, other governmental agencies, and the Forest Service need to consider ways to meet environmental goals common to the eleven forests economically and efficiently, and (3) implementation can be made more accountable and consistent.

Problems that did not meet these criteria will be addressed in the associated activities of the Sierra Nevada Framework. For example, concerns surrounding the Sierra Nevada bighorn sheep can be more immediately resolved within the scope of the existing forest plans by increased attention from the five affected national forests in the southern Sierra Nevada.

Problems identified for action in this EIS are:

1. *Old forest ecosystems and associated species.* Old forest ecosystems have declined in quality, amount and connectivity throughout the Sierra Nevada over the past hundred years. Habitats and/or populations of some animals associated with old-forests, including forest carnivores and the California spotted owl, have declined. No regionally consistent direction for old-forest conservation exists.

2. *Aquatic, riparian, and meadow ecosystems.* These ecosystems are the most degraded of all habitats in the Sierra Nevada. Many aquatic and riparian-dependent species (willow flycatcher and amphibians in particular) and communities are at risk. No regionally consistent direction exists to deal with this urgent problem.

3. *Fire and Fuels.* Wildland fire is both a major threat to life, property and natural resources and a critical natural process in the Sierra Nevada. Fire management planning is outdated and not integrated into forest plans.

4. *Noxious weeds.* There is a rapid spread of invasive, exotic plant species that threaten to crowd out native plants and compromise wildland values. Noxious weeds are spreading throughout California and gaining ground at higher elevations in the Sierra Nevada.

5. *Lower westside hardwood forest ecosystems.* Increasing urban development in lower elevations in the Sierra Nevada has fragmented and decreased the amount of hardwood forests. The public has expressed a desire to maintain the remaining extent of hardwood forests for their ecological roles, biodiversity, aesthetics, cultural resources, and for resource uses such as firewood and forage.

Purpose and Need for Action

The purpose of the proposed action is to improve national forest management direction for five broad problems: (1) conservation of old-forest ecosystems, (2) conservation of aquatic, riparian, and meadow ecosystems, (3) increased risk of fire and fuels buildup, (4) introduction of noxious weeds, and (5) sustaining hardwood forests. Resolution of these problems will influence and be influenced by social, cultural and economic values. The need is to ensure that national forest management direction accounts for current scientific thinking and public expectations, and is consistent among the eleven national forests in practices, procedures, definitions, standards and guidelines.

Current forest plan direction does not reflect the shift in public values and expectations for goods and services from the Sierra Nevada national forests. As the five problem areas are addressed, there is a need to ensure that changes in the level of natural resource products, services, and values, e.g. forage, timber, wildlife, fish, recreation, wilderness, or water, are identified to respond to public concerns with the certainty of future forest management products and services. In some cases, the lack of certainty has contributed to false expectations about the capability to provide products and services without diminishing long-term productive capability and without violating legal requirements for clean water, clean air, biological diversity, and endangered species.

Three processes are needed to address the problems identified above: adaptive management, landscape analysis, and collaborative interaction with the public.

Adaptive Management. The purpose is to adjust management direction based on results gained through experience. The need is for monitoring protocols that provide timely, accurate information on outcomes achieved by implementing current management direction. As stated in the report of the Sierra Nevada Ecosystem Project: "All strategies for improvement are in some ways experiments. Learning as we go and adjusting as necessary work best when we give as much care and planning to measuring the response to new management strategies as we do to implementing them."

Landscape Analysis. The purpose is to consider how management direction at the scale of the forest plan or higher can be applied given landscape conditions at the watershed or subwatershed scale. The need is to identify a suitable set of landscape analysis protocols so that treatment needs can be identified and project priorities set.

Public Interaction and Collaboration. The purpose is to ensure that citizens can meaningfully participate in the design, implementation and monitoring of management direction. Past planning efforts have followed a traditional model that has public input to the planning process only at prescribed intervals with little collaboration. As the report of the Sierra Nevada Ecosystem Project concludes: "Collaboration among various agencies, private interests, and public at large in the Sierra is the most significant principle that emerges from the SNEP strategies."

The following are the specific purposes, by problem area, for taking action.

Old Forest Ecosystems and Associated Species. The purpose of the proposed action is to protect, increase, and perpetuate old forest and hardwood ecosystem conditions including their structure, composition, function, and to ensure the maintenance of biological diversity of these ecosystems including the viability of associated species while meeting people's needs and concerns. This will include reversing the declining trends in abundance of old-forest ecosystems and habitats for species that use old-forests.

Aquatic, Riparian, and Meadow Ecosystems. The purpose of the proposed action is to protect and restore aquatic, riparian and meadow ecosystems of the Sierra Nevada national forests. This direction will ensure the proper functioning, such as stable streambanks and shorelines, of key ecosystem processes, such as nutrient cycling, and continued supplies of high quality water and will ensure the maintenance of biological diversity and the viability of species associated with these ecosystems. The purpose is to: (1) improve consistency of existing conservation programs, strategies and practices, and (2) establish through landscape analysis, a consistent assessment of watershed condition to determine priorities for the allocation of limited personnel and funds.

Fire and Fuels. The purposes are to: (1) bring greater consistency in fire and fuels management across the national forests and coordinate management strategies with other ownerships and with objectives for Forest Service management of other resources, (2) adjust the goals and objectives in the national forest land management plan direction to reflect the role and consequence of wildland fire, and (3) set priorities for fire management actions to balance the need to restore fire regimes while minimizing the threat fire poses to structures, lives and resources.

Noxious Weeds. The purpose is to provide a strategy to control the rapid spread of invasive exotic plant species, to contain existing weed populations and, where possible, to eradicate them.

Lower Westside Hardwood Forest Ecosystems. The purpose of the proposed action is to provide a management strategy that will result in a sustainable hardwood forest ecosystem in the lower westside of the Sierra Nevada, including the structure, composition, and function to ensure maintenance of biological diversity.

Proposed Action

The proposed action responds to the needs identified above, the reports of the Sierra Nevada Ecosystem Project and the Sierra Nevada Science Review, and concerns raised during public workshops held earlier this year. It also responds to the USDA Forest Service Natural Resource Agenda (on the Internet at www.fs.fed.us/news/agenda), the Final Report of the California Spotted Owl Federal Advisory Committee and the Clean Water Action Plan (delivered to Vice President Gore by EPA and USDA on February 19, 1998).

The proposed action, while addressing the five problem areas, integrates multiple uses such as recreation, grazing, timber harvesting, and public access to the national forest into the actions. Sustainable levels of products and services, reflective of shifting public values and expectations, are an integral part of the proposed

action. Employment, economic prosperity, community vitality, and the health of resource-based industries were concerns voiced during public comment. They are relevant to all aspects of the proposed action and will be evaluated as alternatives are prepared.

The proposed action calls for application of adaptive management principles to adjust management direction to future events, changing knowledge, or dynamic social views. Adaptive management involves: (1) establishing desired outcomes and steps towards achieving them, (2) monitoring to generate new information, (3) adjusting management objectives, and (4) adjusting strategies in response to the new information. The proposed action will contain a monitoring strategy to provide the critical information needed to trigger management adaptations.

The proposed action also calls for analysis of environmental conditions and management possibilities at the watershed and sub-watershed scale to: (1) link decisions at the project scale to larger scale decisions, (2) link forest plans to the efforts of other agencies, (3) prioritize treatments within the watershed or sub-watershed, and (4) facilitate local collaborative stewardship.

The proposed action will be implemented using a collaborative process to ensure coordination and consideration of the needs of other federal agencies, Indian Tribes, state and local governments and individuals. This involvement will help shape national forest land management direction so that ecosystems are restored and maintained while providing the management consistency that allows for a sustainable level of multiple uses, including recreation, grazing, timber, water, mining, and others.

This process will also assure redemption of the government's trust responsibilities with Indian Tribes and consideration of their expertise, cultural needs; and traditional and contemporary uses.

Section 401 of the 1999 Department of the Interior and Related Agencies Appropriations Act (the Herger-Feinstein Quincy Library Group Forest Recovery Act), 112 Stat.2681, directs the Secretary to implement a pilot project on certain federal lands within the Plumas, Lassen and Tahoe National forests. The Forest service will be issuing a Notice of intent for an environmental impact statement to begin implementation of section 401. We will coordinate the Sierra Nevada Forest Plan Amendment Project Environmental Impact Statement with the environmental impact statement to implement section 401. We would like comments from the public and interested groups concerning the relationship between the two environmental impact statements.

The description of the proposed action for each problem area includes alternative strategies, where they have been identified, that could accomplish the purpose and need for action.

1. Old Forest Ecosystems and Associated Species (including forest carnivores and California spotted owl)

The desired condition for Sierra Nevada national forests is to support old forests, which vary by vegetation type at a variety of scales, from individual old conifer or hardwood trees and snags to entire landscapes. Old forest habitat is present in sufficient locations, connectivity, quantities, and quality to sustain viable populations of old forest associated species and allow for seasonal migration of animals. Old forest ecosystems, including associated wildlife, fish, and plant populations, will be resilient to natural disturbance processes such as fire, which serve to sustain ecosystem composition, structure, and function. Management of old forest ecosystems integrates hardwoods and complements the aquatic conservation, fire and fuels, and noxious weeds strategies. Human uses of forests, e.g. recreation, resource uses, and Native American uses, are retained as important considerations for management of old forest ecosystems.

The proposed action is to develop both processes and management standards and guidelines for the California spotted owl and forest carnivores to be integrated with strategies for old forests, aquatic ecosystems, and fire and fuels. These processes, standards, and guidelines would address habitat conservation, modeling, mapping and assessment; and analysis of effects of management actions.

The proposed action is to: (1) develop consistent old forest definitions by forest type, (2) set mapping standards, (3) adapt management to changing conditions, and (4) standardize large-scale monitoring of old forest ecosystems. The expected result of this action is to increase the acreage supporting old forests and habitat for species that occur there. Two contrasting approaches may be applied to achieve the desired condition.

Landscape Reserve Alternative. The landscape reserve alternative would allocate land as old forest emphasis areas. These reserves would occur over all forest types and include hardwoods as well as conifer-dominated communities. Little to no entry for commercial timber harvest or road building would be allowed in these areas. Prescribed fire would be the primary tool to attain protection and restoration goals. The old forest emphasis areas would be large enough to absorb large-scale natural disturbances, and geographically connected by riparian areas protected in the Aquatic Conservation Strategy to facilitate animal dispersal and contribute toward the continued existence of wide-ranging animals.

Old forest emphasis areas would be selected based upon the following criteria: existing concentrations of old trees; known locations of wildlife, fish and plant populations that require these habitats; low road density; habitat for riparian/aquatic species; representativeness of soils, geology, climatic and vegetation conditions; existing wilderness and wild and scenic rivers; likelihood of long-term sustainability given estimated fire conditions.

Outside the old forest emphasis areas, individual large old conifer and hardwood trees, large snags, and concentrations of old trees would be protected wherever they occur in the landscape, except where they pose a safety hazard. Lands would be available for commercial timber harvest and other uses.

Whole Forest Alternative. The whole forest alternative designates the entire hardwood and conifer-dominated forest landscape in the Sierra Nevada for succession toward old forests. Individual large old conifer and hardwood trees and large snags would be protected wherever they occur in the landscape, except where they pose a safety hazard. In roadless areas, concentrations of old trees would be protected by constructing no new roads, and conducting no commercial timber harvest. In roaded areas, concentrations of old trees would primarily be maintained using prescribed fire. Elsewhere in roaded areas, commercial timber harvest, other mechanical treatments, and prescribed fire would be used to accelerate succession toward old forest conditions.

The main differences between the landscape reserve and whole forest alternatives are that under the landscape reserve alternative the location of those reserves would not change over time and no commercial timber harvest would be permitted within the reserves, regardless of current condition. Under the Whole Forest Strategy, no timber harvest would be permitted in existing concentrations of old trees, regardless of location. Two points are common to both strategies: (1) the goal is to increase acreages supporting old forest, and (2) concentrations of old trees would move across the landscape over time in response to large-scale natural or human-generated disturbances.

2. Aquatic, Riparian, and Meadow Ecosystems

The desired condition of the Sierra Nevada national forests will be to provide sustainable aquatic, riparian and meadow ecosystem compositions, structures and functions. Structures include vegetation, flows and stream/lake bottoms. Fire and flooding, and processes such as nutrient cycling, water and sediment flows are within a desired range of variability. Land use activities, such as recreation, hydro-power, grazing, mining, timber harvest, transportation system maintenance and fuels treatments will be managed to enhance and restore the health of these ecosystems. Habitat to support populations of native and desired non-native plant, invertebrate, and vertebrate species will be well-distributed. Watersheds will be connected to each other, allowing fish and wildlife populations to move between them.

The proposed action is to implement an Aquatic Conservation Strategy. This includes a broad-scale assessment to identify the highest quality watersheds, and rare and imperiled wildlife and plant habitats for protection.

Important components of the Aquatic Conservation Strategy will be the integration of existing management practices (i.e., collaboration, restoration, existing watershed conservation practices, adaptive management, monitoring and research), landscape analysis to assess watershed conditions, and establishment of emphasis watersheds and habitats. Criteria for designation of emphasis watersheds and habitats include the presence of native aquatic species; a low level or lack of exotic species; watershed condition; and distribution of, rarity of, and risk to aquatic habitat.

The strategy will include specific standards and guidelines for at-risk frog and amphibian species. This group includes both foothill (*Rana boylei*) and mountain yellow-legged frog (*Rana muscosa*), California red-legged frog (*Rana aurora draytoni*), Cascade frog (*Rana cascade*), northern leopard frog (*Rana pipiens*), and Yosemite toad (*Bufo canorus*). The standards and guidelines will address protecting both occupied and potential habitat from the adverse effects of grazing, mining, reservoir construction, urbanization and other activities.

The willow flycatcher is currently listed by the State of California as an endangered species. Three subspecies occur within California. Two of these subspecies occur in the Sierra Nevada (*Empidonax traillii brewsteri* and *E. t. adastus*) and are listed as Region 5 Sensitive Species. Standards and guidelines for these species will be a subject of the proposed action. A separate subspecies of willow flycatcher (*E. t. extimus*) is listed as federally endangered, occurs at the southern end of the Sierra Nevada, and is not expected to be addressed or affected by this proposed action.

The proposed action is to protect known and potential willow flycatcher habitat from livestock grazing and other management activities through habitat management guidelines. Specific guidelines could include preventing cattle and sheep grazing in willow flycatcher habitat during the breeding season and managing grazing intensity to avoid adverse impacts to vegetation needed for nesting and foraging.

Also included in the guidelines will be measures to: (1) promote the improvement and expansion of suitable habitat, (2) minimize the likelihood of nest parasitism by brownheaded cowbirds, and (3) require annual surveys to monitor breeding success and habitat conditions.

Two alternative approaches may be applied to implement the Aquatic Conservation Strategy, however both of these approaches will include the strategy for amphibian species and willow flycatcher as described above.

Range-wide Standards. Under this approach, Sierra Nevada-wide standards and guidelines will be developed to be consistent across the province, forest, watershed and project scales. These include delineation of riparian

reserves; location, maintenance and engineering of roads; design of timber harvest units; and grazing, recreation, and fuels treatments.

Site Specific Standards. Under this approach, management activities will be determined only after a landscape analysis identifies actions that are most appropriate and effective. In the absence of site specific standards, range-wide standards and guidelines will apply.

3.Fire and Fuels

The desired condition is to have a cost-effective fire management program that protects natural resources, life, and property from the effects of unwanted wildland fire. Fuels are maintained at levels commensurate with minimizing resource loss from fire while meeting other requirements for overall ecosystem health. Fire, under prescribed conditions, is one of the most important tools for restoration and sustainability of ecosystem diversity and productivity. Fire management is coordinated with the National Park Service, Bureau of Land Management, Indian Tribes, Fish and Wildlife Service, California Department of Forestry and Fire Protection and other agencies and jurisdictions.

The proposal is to implement a fire management plan for each of the eleven national forests that demonstrates consistency with the Federal Wildland Fire Policy and coordinates with the California Fire Plan prepared by the California Department of Forestry and Fire Protection. A fire management plan is a strategic plan that defines a program to manage wildland and prescribed fires and documents implementation strategies for the fire management program in the approved forest plan.

All fire plans will be supplemented by a range-wide, interagency assessment of flammability and fire risk. This assessment will be based on existing interagency mapping of surface fuels and vegetation, on fire history (location and size of historical fires), and will be adjusted using other factors that affect fire behavior such as weather, climatology, slope and aspect. It displays the likelihood that fires will occur and suggests how large and intense they could be under existing conditions.

This assessment will help guide the setting of priorities for wildland fire management and fire hazard reduction. Priorities should include location of areas of high resource values, reintroduction of fire as an ecosystem process, effects on local economies and impacts on air quality.

Two alternative strategies for priority setting are proposed.

Prescribed Fire and Natural Wildland Fire Use With Focused Use of Mechanical Treatments. Treat fuel accumulations and restore ecosystems primarily through the use of prescribed and natural wildland fire. Use mechanical treatments along the urban wildland interface and major transportation routes.

Prescribed Fire and Natural Wildland Fire with Extensive Use of Mechanical Treatments. Use prescribed and natural wildland fire to maintain treated areas and to reintroduce fire. Where fuel accumulations, smoke management restrictions, or other concerns preclude the use of prescribed fire as a means to deal with fuels management or the risk of high intensity wildfire, use mechanical methods to create a network of interspersed shaded fuelbreaks and area-wide treatments consistent with fire management priorities.

4.Noxious Weeds

The desired condition is for no new populations of noxious weeds. Existing populations are contained and,

where possible, eradicated. Employees, users of National Forest System lands, adjacent landowners, and State agencies are aware and informed about noxious weed concerns.

The 1995 Forest Service Manual direction for noxious weed management will be incorporated into all alternatives developed in the EIS. Also, because noxious weed control and eradication is a Region-wide effort, management directions developed for the Sierra Nevada forests will be integrated at the Regional scale and coordinated with other land management agencies in California.

Alternatives will contain management direction to minimize the spread of noxious weed by roadbuilding, livestock use, vehicle use, equipment use and other carriers. California wildland fire fighting agencies would be encouraged to inventory and adopt use of weed-free fire camps. Direction will also be included to ensure weed-free administration sites and that materials brought onto the national forests (e.g., sand, gravel, and pack animal's feed) will be weed-free. All alternatives will include direction to use State certified "noxious weed-free" materials as soon as the State program is in place.

Monitoring and inventory programs for noxious weed populations will be tied to monitoring that triggers shifting the nature and intensity of actions. Monitoring results and inventories will be shared across agencies and national forests. The range-wide efficiency of the control program would be periodically evaluated.

5.Lower Westside Hardwood Forest Ecosystems

The desired condition is for the lower westside hardwood forests to be present in sufficient locations, connectivity, quantities, and quality to provide for public uses, resident wildlife fish and aquatic species, sensitive plant species and seasonal migrants including deer. Fire will be employed to maintain both old tree dominated forests and a mosaic of hardwood stand ages across the landscape. Connectivity between lower elevation hardwood and upper elevation conifer forests will be sufficient to allow for wildlife migration and for natural processes, such as wildland fire, to occur. Collaboration with local land owners and governments, and consultation with tribes and permittees, will be an integral part of managing these areas.

The proposed action is a management strategy that will ensure lower westside hardwood forests are sustained. This strategy complements the old-forest, aquatic conservation, fire and fuels, and noxious weeds strategies. Individual large trees and snags, and concentrations of old trees will be protected consistent with the old-forest ecosystem strategy. A mosaic of hardwood stand ages will be provided through reintroduction of fire, where possible, or through other fuels reduction techniques in compliance with the fire and fuels strategy. Management practices for improving connectivity between hardwood and conifer forests and for reducing the impacts of urban development to hardwood ecosystems will also be included. Viable populations of plants and animals associated with hardwood forests would be sustained, to the extent feasible in light of the fragmentation of these forests. The monitoring strategy will be designed to ensure the management strategy is effective in sustaining lower westside hardwood forests.

Proposed Scoping Process

This Notice of Intent initiates the scoping process whereby the Forest Service will identify the scope of issues to be addressed in the EIS and identify the significant environmental issues related to the proposed action.

Public comment is invited on the proposal to prepare the EIS. Comment is also invited on the relationship between the EIS and section 401 of the 1999 Department of Interior and Related Agencies Appropriations Act (the Herger-Feinstein Quincy Library Group Forest Recovery Act), 112 Stat. 2681.

Community meetings with interested publics will be hosted by each Sierra Nevada national forest during scoping, after release of the Draft EIS, and after release of the Final EIS. Coordination with Federal and State agencies, Tribal governments, and local governments will occur throughout the scoping process.

During December 1998, the eleven national forests will each host workshops designed to explain the Notice of Intent. In January 1999, community workshops will be held to solicit suggestions, recommendations, and comments to help frame alternatives to the proposed action. Workshops will also be held in Los Angeles and San Francisco. Specific locations and dates of the meetings will be posted on the Internet at www.r5.fs.fed.us and in the newspaper of record for each Sierra Nevada national forest.

Decision To Be Made and Responsible Official

The Regional Foresters of Regions 4 and 5 will decide, for their respective Regions, whether or not, and in what manner, to amend the Land and Resource Management Plans for the eleven Sierra national forests; Humboldt-Toiyabe, Modoc, Lassen, Plumas, Tahoe, Eldorado, Stanislaus, Sierra, Sequoia, Inyo, and Lake Tahoe Basin Management Unit. Also, the decision could include a non-significant amendment to the Regional Guides for the Intermountain and Pacific Southwest Regions. The responsible officials are Regional Foresters Jack A. Blackwell, Region 4, USDA Forest Service, Federal Building 324, 25th Street, Ogden, UT 84401 and G. Lynn Sprague, Region 5, USDA Forest Service, 630 Sansome Street, San Francisco, CA 94111.

Coordination With Other Agencies

While the Forest Service is the lead agency with responsibility to prepare this EIS, requests have been made of the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, California Department of Forestry and Fire Protection, and California Department of Fish and Game to participate as cooperating agencies (40 CFR Part 1501.6). The Environmental Protection Agency and Fish and Wildlife Service have regulatory responsibilities that could not efficiently be considered without direct involvement; formal consultation responsibilities under the Endangered Species Act will be carried out by having a Fish and Wildlife Service specialist participate as a member of the interdisciplinary team. Cooperation by the National Marine Fisheries Service is being sought. Coordination with the California Department of Fish and Game and the California Department of Forestry and Fire Protection is necessary because some mission responsibilities overlap or are closely aligned with the conservation activities of the Forest Service. Negotiations with the California Department of Parks and Recreation to seek their cooperation is also underway. Each agency will continue to participate as resources and competing demands permit. Other agencies, local and county governments will be invited to comment, as appropriate.

Commenting

A draft environmental impact statement is expected to be available for public review and comment in February 1999; and a final environmental impact statement in July 1999. The comment period on the draft environmental impact statement will be 90 days from the date of availability published in the Federal Register by the Environmental Protection Agency.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information (FOIA) permits such confidentiality. Persons requesting such confidentiality should be

aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts the agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental stage may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 90 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

/s/ Kent Connaughton November 16, 1998

Kent Connaughton Date

Deputy Regional Forester

OVERVIEW OF BUDGET, STAFF AND OUTPUTS

By D. Stone, Plumas National Forest, Dec. 11, 1996

LASSEN NATIONAL FOREST

| | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996* |
|-------------------------|------|------|------|------|------|------|------|------|------|-------|
| Budget (MM \$) | n/a | n/a | n/a | n/a | n/a | 18.3 | 19.0 | 20.0 | 19.7 | 22.0 |
| Constant (FY96@4%,MM\$) | n/a | n/a | n/a | n/a | n/a | 21.4 | 21.4 | 21.6 | 20.5 | 22.0 |
| Receipts (MM \$) | 38.0 | 28.1 | 36.5 | 27.7 | 28.2 | 27.8 | 15.0 | 25.0 | 26.5 | 23.4* |
| 25% Payments (MM\$) | 9.5 | 7.0 | 9.1 | 6.9 | 7.0 | 6.9 | 3.7 | 6.3 | 6.6 | 5.8* |
| Permanent Employees | n/a | n/a | 261 | 274 | 300 | 300 | 256 | 249 | 222 | 265 |
| Temporary Employees | n/a | n/a | 73 | 75 | 64 | 64 | 83 | 102 | 99 | 91 |
| Timber Offered (MMBF) | 155 | 151 | 162 | 172 | 111 | 80 | 110 | 115 | 104 | 97 |
| Timber Harvested (MMBF) | 200 | 147 | 168 | 133 | 117 | 137 | 85 | 107 | 94 | 93 |

PLUMAS NATIONAL FOREST

| | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996* |
|-------------------------|------|------|------|------|------|------|------|------|------|-------|
| Budget (MM \$) | n/a | n/a | n/a | n/a | 34.1 | 30.9 | 26.4 | 22.9 | 22.4 | 21.9 |
| Constant (FY96@4%,MM\$) | n/a | n/a | n/a | n/a | n/a | 36.1 | 29.7 | 24.8 | 23.3 | 21.9 |
| Receipts (MM \$) | 19.7 | 35.0 | 29.1 | 29.9 | 31.4 | 36.9 | 14.1 | 13.2 | 21.4 | 15.7 |
| 25% Payments (MM\$) | 4.9 | 8.8 | 7.3 | 7.5 | 7.9 | 9.2 | 3.5 | 3.3 | 5.4 | 3.9 |
| Permanent Employees | n/a | n/a | 442 | 471 | 490 | 507 | 407 | 349 | 279 | 300 |
| Temporary Employees | n/a | n/a | 137 | 147 | 152 | 148 | 131 | 102 | 84 | 67 |
| Timber Offered (MMBF) | 205 | 167 | 217 | 207 | 120 | 107 | 114 | 50 | 36 | 63 |
| Timber Harvested (MMBF) | 238 | 238 | 196 | 207 | 243 | 165 | 88 | 77 | 74 | 42 |

TAHOE NATIONAL FOREST

| | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996* | 1997 | 1998 | 1999 |
|----------------------------|-------|-------|-------|-------|------|------|------|------|------|-------|------|------|------|
| Budget (MM \$) | 16.3 | 19.2 | 20.6 | 23.1 | 19.5 | 24.5 | 23.4 | 20.0 | 24.5 | 25.0 | | | |
| Constant (FY96@4%,MM\$) | n/a | n/a | n/a | n/a | n/a | 28.7 | 26.3 | 21.6 | 25.4 | 25.0 | | | |
| Receipts (MM \$) | 16.3 | 20.0 | 17.1 | 17.1 | 11.0 | 12.1 | 8.9 | 11.1 | 4.8 | 4.6 | | | |
| 25% Payments (MM\$) | 4.1 | 5.0 | 4.3 | 4.3 | 2.7 | 3.0 | 2.2 | 2.8 | 1.2 | 1.1 | | | |
| Permanent Employees | n/a | n/a | 370 | 381 | 396 | 382 | 322 | 303 | 275 | 334 | | | |
| Temporary Employees | n/a | n/a | 79 | 109 | 122 | 100 | 114 | 94 | 121 | 97 | | | |
| Timber Offered (MMBF) | 119.4 | 132.0 | 125.6 | 102.5 | 28.0 | 67 | 63.7 | 20 | 121 | 85.4 | | | |
| Timber Harvested (MMBF) | 149.4 | 255.0 | 122.0 | 130.0 | 130 | 73 | 39 | 36 | 43 | 85 | | | |

Note: FTE includes all employees charging to forest accounts, including fire fighting. For example, an employee from the th Plumas fighting a Tahoe fie would count toward the Tahoe FTE displayed. Employee figures from report BUDG4W-1. Budget from R.O. final allocation without adjustments during FY; does not include FHP of \$1MM in FY95 and \$4.7MM in FY96.

Quincy Library Group

EXHIBIT F



Community Stability Proposal

November 1993

046

Origins

The Feather River watershed is among the most productive areas in California. It contains vast coniferous forests, primarily owned by the citizens of the United States and administered by the federal Forest Service. It is the source of waters for the largest facility in the State Water Project (Lake Oroville) which provides the lion's share of drinking water to Southern California. Undammed creeks in the Lassen National Forest provide spawning habitat for endangered salmon. Pacific Gas & Electric Co. and Department of Water Resources hydroelectric generation facilities provide low cost power to millions of Californians. Millions of visitors enjoy the lakes, streams and forests annually.

Yet the Feather has become, in recent years, a battleground for competing interest groups that seek to use or conserve its resources. Lawsuits and appeals have followed most proposed actions in the area, particularly in regards to implementation of the congressionally mandated National Forest Land Management Plans on the Lassen, Plumas and Tahoe National Forests, each of which is under appeal. Shrinking USFS budgets have drastically limited their ability to carry out their leadership role. The most recent addition to the gridlock has been the USFS imposed (3/93) California Spotted Owl (CASPO) guidelines that serve to greatly modify and restrict timber harvest practices. There are lumber mills in this region from Bieber in the north to Loyalton in the south. Each of these mills is faced with imminent demise, given the current condition, since the federal government owns upwards of 3/4 of the land base. The counties involved (Lassen, Plumas and Sierra) are the most timber dependent areas in the Sierra, so the mills' problems have horrific effects upon employment, schools, hospitals, law enforcement, roads and retail businesses in the area.

Three veterans of the "Timber Wars", Bill Coates, the chair of Plumas County Supervisors, Michael Jackson, an environmental attorney and Tom Nelson, a forester from Sierra Pacific quietly began a series of meetings in late 1992 in an attempt to break the gridlock.

Their primary concerns were devising common ground that would lead toward "Community Stability" and "Forest Health". The group gradually broadened to include other local interested parties (e.g. environmental, timber industry, recreation) and soon took on the name of the Quincy Library Group, their gathering place for semi-monthly meetings.

Progress and Proposals

The local group has produced a proposed five year management plan for the three affected national forests (Lassen, Plumas, and Sierraville Ranger district of the Tahoe National Forest) that has at its heart a basic agreement as to what constitutes the "land base" available for timber harvest and other activities. The agreed upon land base is defined through digitized maps and includes "off base", deferred and wilderness areas as well as areas available for timber harvest under new prescriptions. The group has adopted an aggressive fuels reduction program, including salvage of bug-killed trees, that seeks to reduce the threat of "stand-destroying fires"-- noted by the CASPO scientists as a major threat to the owls and other values in the Sierra. The group has defined a timber rotation or harvest cycle that exceeds 100 years. A major stream protection and improvement program (along the lines of the eight year old Feather River Coordinated Resource Management group-CRM) will enhance the region's most undervalued product and improve biodiversity. Ongoing monitoring will define progress in improving the forest ecosystem. Single tree and group selection harvest regimes that foster "uneven aged management" will supplant even aged management and clearcuts. A "working circle" would be established within the geographic area for the five year period to insure that the preponderance of timber harvested in the area be milled in the area in order to preserve local employment and community stability.

QUINCY LIBRARY GROUP COMMUNITY STABILITY PROPOSAL

Recent discussions between some members of the timber industry, the county governments of Lassen, Plumas and Sierra, fisheries and environmental groups indicate a common desire to implement a short-term strategy of forest management on the Plumas, Lassen, and portions of the Tahoe National Forests. This effort was undertaken to promote forest health, ecological integrity, adequate timber supply and local economic stability. This may allow local communities to survive while long-term plans are developed, yet afford adequate environmental protection during this interim period.

These discussions were initiated by Bill Coates (Plumas County Supervisor) in seeking to find some "common ground" between local environmental groups and the timber industry. Preliminary meetings with Mr. Coates, Michael Jackson (Friends of Plumas Wilderness), and Tom Nelson (Sierra Pacific Industries) led to continuing, expanded discussions with a much broader and diverse group

Sharing a common belief that present USFS management is inadequate to meet the objectives of any of the members, this group (collectively known as the "Quincy Library Group") has reached agreement on several crucial issues for Federal land management on these National Forests-- issues that have previously been the basis for ongoing disputes. They include the following:

- 1) Communities within Lassen, Plumas and Sierra counties rely upon the forest products industry for education, roads and basic infrastructure. Specifically, the communities of Susanville, Chester, Quincy, Loyalton, Bieber, and Greenville are highly dependent upon the forest products industry and may not survive the current reductions in Federal timber harvests.
- 2) To promote forest health we believe that three ecosystem management strategies must be implemented simultaneously:
 - i. in order to provide an adequate timber supply for community stability and to maintain a relatively continuous forest cover, a management system using group selection (similar to that proposed by the Friends of Plumas Wilderness in the Plumas NF Land Management Plan or that used at UC's Blodgett Forest) and/or individual tree selection (similar to that employed by Collins Pine) must be implemented immediately.
 - ii. in order to achieve stability in the system the Fire and Fuels management objectives recommended in CASPO must be carried out over the entire landbase.
 - iii. in order to protect fisheries and watershed health a network of riparian habitats and a watershed restoration program must be established throughout those areas managed for unevenage structure. The initial emphasis should include increases in Forest Service appropriations for improvements in range management and road maintenance to restore and protect riparian areas.

The landbase on which to develop these strategies would include the broadest landscape possible. Certain "sensitive" areas such as roadless areas, Scenic River corridors, and riparian areas should not be scheduled for harvest.

3) In general, we believe that the implementation of these strategies will expand the existing landbase available for timber production beyond that currently "zoned" for timber production but that environmental effects upon this expanded landbase will be greatly reduced. The intent of these Strategies is to create a forest that will more closely mimic the historic natural landscapes of the Sierra, while protecting and enhancing recreational opportunities.

4) In order to adequately assure community stability, protective mechanisms such as SBA/SSTS set-asides should be continued, stewardship contracts should be expanded, and a "sustained yield unit" as authorized by Congress must be established.

These four concepts were then examined in more detail, to arrive at more definitive recommendations. After analyzing many different technical methods to achieve the Group's common objective, the following specific agreements were reached:

a) Forest land base:

- i. Plumas NF - as set forth in the Friends of Plumas Wilderness alternative to the Forest Plan.
- ii. Lassen NF - as set forth in the Amenities alternative of the Draft Forest Plan.
- iii. Tahoe NF (Sierraville Ranger District) - as set forth in the Uneven-Age Alternative of the Tahoe LMP.
- iv. All CASPO identified PACs will be deferred from logging during the life of this interim management plan.

b) All silvicultural prescriptions will be uneven-aged management. The Desired Future Condition is an all-age, multi-story, fire-resistant forest approximating pre-settlement conditions. This will be achieved by utilizing individual tree selection such as the system used by Collins Pine and/or group selection (area control to reach regulation).

c) Riparian systems protection during timber harvest activities will be provided by implementation of the Scientific Analysis Team's (SAT) guidelines. Grazing allotment renewal plans will include riparian networks. In addition, the USFS shall seek every opportunity to work with the Federal Energy Regulatory Commission (F.E.R.C.) to restore adequate flows for fisheries and recreation.

d) Administrative approval for a northern Sierra working circle is requested that encompasses the counties of Lassen, Plumas, and the Sierraville Ranger District of the Tahoe NF and includes the SBA set-asides as in "4" above.

e) Fire/Fuels management: CASPO recommendations are endorsed to integrate present fire management programs of the USFS with harvest of smaller material earmarked for local sawmills. CASPO recommendations to inventory dead and down material, and replenish as needed, are also endorsed.

f) Old Growth: It is our opinion that (as long as the above practices and policies are successfully implemented the remainder of the forest landbase should remain available for timber management. On Dunning Sites 3-5, the equivalent of a 200 year rotation (using uneven-age systems) would be employed and a shorter rotation equivalent would be used on Dunning Sites 1 & 2.

We realize that our opinion is simply an educated opinion and may not be appropriate in the eyes of others. All other opinions have a reasonable possibility of being right. We also believe that we represent a very diverse group of local interests, each with a shared stake in the outcome of these actions. We recommend this method of management for these forest be implemented for five years while the Regional EIS for CASPO is being prepared, decided, appealed, and litigated. We would further propose that any working circle established as a result of our plan sunset five years after installation of that plan.

Representatives from the following organizations and viewpoints voluntarily met to develop these proposals and unanimously approve submittal of this action plan to the United States Forest Service

| <u>Name</u> | <u>Affiliation</u> |
|-------------------|--|
| Bill Coates | Supervisor, Plumas County |
| Michael Jackson | Friends of Plumas Wilderness |
| Tom Nelson | Sierra Pacific Industries |
| John Preschutti | Friends of Plumas Wilderness |
| Bob Baiocchi | California Sportfishing Protection Alliance |
| Tom Gregory | Sierra County Conservation Club II |
| Mike Yost | Friends of Plumas Wilderness |
| Lenny Gallegos | Supervisor, Sierra County |
| Frank Stewart | Collins Pine Company |
| Fred Duchi | Siskiyou-Plumas Lumber Company |
| Steve Self | Sierra Pacific Industries |
| Randy Pew | Pew Logging and Lumber Company |
| Ed Murphy | Sierra Pacific Industries |
| Bill Banka | Sierra Pacific Industries |
| Don Huston | Collins Pine Co |
| Bill Howe | Collins Pine Company |
| Michael Kossow | Friends of Plumas Wilderness |
| Mark Shaffer | Almanor Forest Products |
| Michael De Lasaux | University of California, Cooperative Extension |
| Susan Baremore | Feather River Alliance for Resources and Environment |
| John Redd | Indian Valley Recreation & Park District |
| Wally Roney | Roney Land & Cattle |
| Rose Comstock | Quincy Women In Timber |
| Linda Blum | Environmentalist & Independent Thinker |
| Robert Meacher | Supervisor, Plumas County |

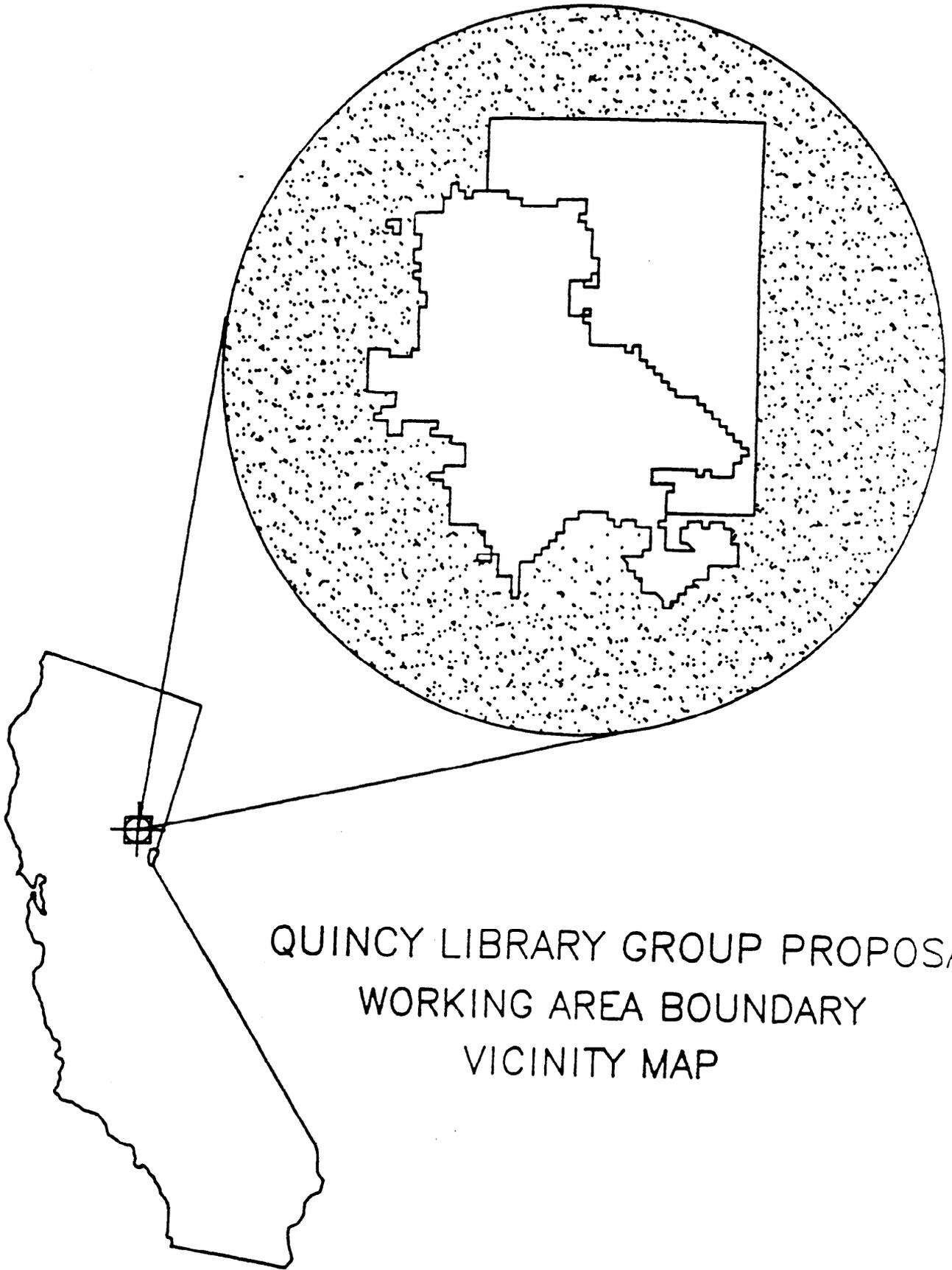
ADDENDUM

August 10, 1993

Dear Mr. Thornton
Supervisor, Plumas National Forest
PO Box 11500
Quincy, CA 95971

Dear Mr. Thornton:

Please defer sales on Becknell and Last Chance until further environmental review is completed and the sales are modified. In addition, the Quincy Library Group encourages a liason form the group to the Plumas National Forest Team responding to the Community Stability Proposal.



QUINCY LIBRARY GROUP PROPOSAL
WORKING AREA BOUNDARY
VICINITY MAP

QUINCY LIBRARY GROUP STEERING COMMITTEE

The Quincy Library Group Steering Committee is comprised of those participants that were involved in the initial discussions prior to the July 8, 1993 formal presentation of the Community stability Proposal at the Quincy Townhall Theater along with a variety of others who have continued to be a part of the Quincy Library Group process.

The Steering Committee is the actual decision/voting body of the Quincy Library Group. Another role of the Steering committee is to facilitate discussion and work with other concerned Quincy Library Group participants who are not a part of the Steering Committee.

Since presentation of the Community Stability Proposal to the Community and the public at large there has been tremendous interest in continuing meetings and activities which has resulted in increased involvement. The Steering Committee concept has been proposed because of the need to maintain balance among the interest groups. The intent of establishing the Steering Committee is not to discourage active participation of the many interested individuals, rather it is designed to maintain a static, balanced group of key decision makers.

STEERING COMMITTEE

| | |
|-------------------|--|
| Bill Coates | Supervisor, Plumas County |
| Michael Jackson | Friends of Plumas Wilderness |
| Tom Nelson | Sierra Pacific Industries |
| John Preschutti | Friends of Plumas Wilderness |
| Bob Baiocchi | California Sportfishing Protection Alliance |
| Tom Gregory | Sierra County Conservation Club II |
| Mike Yost | Friends of Plumas Wilderness |
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| Bill Banka | Sierra Pacific Industries |
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| John Redd | Indian Valley Recreation & Park District |
| Wally Roney | Roney Land & Cattle |
| Rose Comstock | Quincy Women In Timber |
| Linda Blum | Environmentalist & Independent Thinker |
| Robert Meacher | Supervisor, Plumas County |

BILL COATES

Plumas County Supervisor Bill Coates earned his Master of Business Administration degree at San Jose State University, School of Business in 1970, graduating with honors. He received his Bachelor of Science degree with specialization in Management at San Jose State University in 1969 and was chosen the outstanding student in the graduating class. He was first elected to public office as county Supervisor in January of 1979 and is currently serving his fourth four-year term in that office. Coates founded, and owns majority interest in Coates Tire Center in Quincy which employs seven full-time people.

Supervisor Coates has long been active in public land and timber issues. He currently serves as President of the 14 western states County Supervisors and Commissioners region of the National Association of Counties (NACo). He is a Past-President of the California State Association of Counties (CSAC). He is also Chairman of the coalition to prevent loss of forest funds to California schools and roads. On the national level, Supervisor Coates serves as Vice-Chairman of NACo's Public Lands Steering Committee. He organized and formed this organization's new Endangered Communities Subcommittee. Additionally, Supervisor Coates is Past-President of the Regional Council of Rural Counties (RCRC). In these capacities he has been asked to testify frequently before federal Congressional and state Legislative policy committees. He is also the immediate Past Co-Chairman of the California Council on Partnerships. This council has the responsibility for bringing better cooperation between the public and private sectors of California for the solution of some of the State's largest problems, like air pollution, transportation and toxic waste disposal. He also has served on many other county supervisors committees, usually relating to rural area problems. In 1988, he was selected "Outstanding Public Lands Official" in the sixteen western states.

In his community, he is Past-President of the Quincy Chamber of Commerce and was selected "Feather Merchant of the Year" for Plumas County in 1990. He is active in his church and in the Quincy Rotary Club. He has managed Quincy's Little League All Star Baseball Team six out the last eleven years.

Supervisor Coates is married to Barbara Coates, who is also Plumas County's Treasurer/Tax Collector, and they have six children. All six of the children have been very active in sports and other school activities.

MICHAEL B. JACKSON

Michael Jackson earned his law degree from the University of California, Hastings College of the Law, San Francisco, California in 1972 and was admitted to the California State Bar the same year. He began his private law practice in Redding, Ca. after college, specializing in criminal law. In 1977 he moved to Quincy where he continued his law practice and began his career in environmental law.

Michael has represented varied interests in his environmental practice, including Audobon Society, Sierra Club, Carmel River Steelhead Association, agricultural interests in the Delta area and municipalities in southern California. Among the environmental clients Michael counsels is the California Sportfishing Protection Alliance which has led to his involvement in many State Water Resources Control Board hearings including Carmel River (Issues: Grandwater overdraft, underflow, pre-1914 water rights, riparian and appropriative rights), Yuba River (Issues: Public Trust Doctrine, water transfers, pre-1914 water rights), Santa Ynez River (Issues: Public Trust Doctrine, federal pre-emptive rights, groundwater overdraft, and Endangered Species Act), and the Mokelumne River (Issues: Clean Water Act, Toxic Pit Abatement Act, and doctrine of unreasonable use).

Michael's concern for the environment has lead to a long involvement in the Friends of the Plumas Wilderness, a local environmental group which is responsible for the creation of much of the landbase proposed in the Library Group proposal.

Michael lives in Quincy with his wife Ruth, and daughter Julia.

THOMAS NELSON

Tom Nelson is a professional forester for Sierra Pacific Industries and has served as manager of the Redding timberlands division and as Director of Timberlands for Sierra Pacific Industries since 1984. His overall responsibilities encompass management of 1.1 million acres of forestland in California, including long range planning of timber harvest activities and coordination with management of other resources including wildlife, watersheds, fisheries, and recreation. During his years with Sierra Pacific has been involved in the preparation of Sierra Pacific's Spotted Owl Management Plan and direct involvement in the negotiated agreement of 1991 with environmental groups which provided the basis for both the Sierra Accord legislative bill of 1991 and the Grand Accord legislation in 1992. In 1991 Tom was appointed to the State board of Forestry by Governor Pete Wilson.

Prior to working for Sierra Pacific, Tom worked for the U.S. Forest Service. He spent eight years as District Silviculturist on the Tahoe National Forest in Sierraville and on the Eldorado National Forest in Georgetown.

Tom attended Fullerton College and Humboldt State University and earned his Bachelor's degree in Forestry with honors from the University of Minnesota, St. Paul. Prior to attending college, Tom served in the U.S. Marine Corps from 1968-1970 and toured Vietnam in 1969 with the 1st Recon.

Tom is currently active with the Xi Sigma Pi Honor Society, Delta Chapter, Society of American Forester, California Licensed Forester Association, Board of Directors, Western Shasta RCD, and Associate California Loggers.

Tom and his wife live in Redding with their two children. Tom's hobbies include fishing, hunting, skiing, and karate.

MICHAEL DE LASAUX

Michael is a forester currently working at the Plumas-Sierra UC Cooperative Extension as Natural Resources and 4-H coordinator. He earned his B.S. degree in Natural Resources Management (1982) and an M.S. in Agriculture Science at Cal-Poly (1987). Through his job, Michael has worked extensively on resource education through the Forestry Institute for Teachers (FIT) and has sought to bring polarized interests together through community outreach efforts similar to that of the Library Group.

Michael and his wife Lisa have two children, Jessica and Trevor. They have lived in Quincy since 1992.

EDWARD C. MURPHY

Ed is a California Registered Professional Forester (#2066) and currently works for the Timberlands Division of Sierra Pacific Industries as Inventory Forester. He attended UC Berkeley where he earned his Bachelor of Science degree in Forestry in 1978. Ed has extensive background in forest mapping and GIS computer systems and has provided much of the necessary map work for the Library Group.

Ed grew up in the San Francisco area and currently resides in Redding, California with his wife Sharon and their two children, Sarah and Jessica.

BILL BANKA

Bill Banka has worked in the forests of California since 1976, when he graduated from Rutgers University in New Brunswick, New Jersey with a degree in forestry. After two years as a timber marker for the US Forest Service, he began a career with the timber industry. Bill worked for Fibreboard Corporation and Louisiana-Pacific Corporation until 1984, when he landed a job with Sierra Pacific Industries. He currently serves as timber manager for Sierra Pacific's Feather River division.

Bill has lived in Sierra Valley for 17 years. His wife, Teri Moriwaki, is a graduate of University of California, Berkeley in forestry. Their children are 9, 7 and 3 years old.

MICHAEL YOST

Michael Yost is currently a Forestry Instructor at Feather River College. Michael has a Master's degree in Forestry from Duke University School of Forestry (1963) and has previously worked for the US Forest Service. His Forest Service Assignments included Supervisor of Duke Forest in North Carolina, work on the Lewis and Clark forest in Montana as well as in the Region 5 office in San Francisco. Michael has been very active in Friends of the Plumas Wilderness and Plumas Audobon Society, both local environmental groups.

Michael and his wife Sally are 18 year residents of Taylorsville and have two grown children.

SUSAN BAREMORE

Susan Baremore is executive director of the Feather River Alliance for Resources and Environment (FARE). A past chairman of the Susanville chapter of California Women in Timber, she now represents the organization as Member-at-large on the state board of directors. Susan is also involved with the Alliance for America and the Plumas-Sierra Farm Bureau. She is a student at Feather River College majoring in English and Communications with a minor in Forestry.

Susan was raised in the small timber-dependent community of Shingletown, California and grew up around forests and the timber industry. Since 1990 she has lived in Susanville with her husband Clay, a third-generation logger, and children Katie-Beth and Jesse.

LINDA L. BLUM

Linda is a conservation biologist & paralegal for the law office of Michael B. Jackson. Linda does research for environmental organizations and resource-related legal cases. She is involved with the Friends of the Plumas Wilderness and the Tulare County Audubon Society. Linda has a B.S. in Biological Sciences from Michigan State University and a Master's Degree in City & Regional Planning, from Ohio State University.

Linda lives in Quincy with her husband, Harry Reeves, and has two college-age step-children.

BILL HOWE

Bill Howe, forest manager for Collins Pine Co. in Chester, grew up in Fresno and graduated in 1966 from California State University, Humboldt with a degree in forestry. He later earned a master's degree in watershed management from University of Nevada, Reno. After two years with Fibreboard Corporation in the Truckee area, Bill worked until 1975 in Astoria, Oregon as a forester for Boise-Cascade Corporation. He began his career with Collins as foreman of a road construction crew. Bill soon became Collins' logging engineer and logging superintendent, and, in 1991, a forester supervising management of the company's 92,000-acre timber stand.

Besides his outdoor activities, Bill is a ham radio operator. He plays the clarinet with local musicians and is a member of the Lake Almanor Bells handbell choir. He and his wife Barbara have two married daughters who worked their way through college as timber markers, owl hooters and firefighters.

BOB BAIOCCHI

Bob Baiocchi, executive director of the California Sportfishing Protection Alliance, has devoted two decades to enhancing fishing, his life-long love. As a consultant to numerous angler and environmental groups, he analyzes data and investigates public and private agency activities regarding fish, wildlife and water-associated resources. His emphasis on matters at the administrative level has resulted in numerous appeals and lawsuits filed on behalf of anglers, environmentalists and ultimately, fish and fish habitat.

An active fisheries conservationist since 1974, Bob has held several offices with the Northern California Council of Fly Fishing Club, the Butte County Fish and Game Commission and other northern California organizations. His research on water supply data has challenged the federal licenses held by hydroelectric producers such as Pacific Gas and Electric Co. and state agencies including the California Fish and Game Commission and the State Water Resources Control Board. In 1989 the National Federation of Fly Fishers named Bob winner of its conservation award for his extraordinary contributions to the preservation of fisheries. It was one of numerous awards he has received for his contribution to conserving natural streams and fish habitat.

Bob lives in Quincy, where he operates the offices of California Sportfishing Protection Alliance.

MICHAEL KOSSOW

Michael Kossow is a fisheries and biological technician with more than 11 years of experience in water quality monitoring, sediment sampling, hydrography, and biological assessment of aquatic communities. He has supervised basin-wide monitoring programs, including the training of field-going personnel in stream channel classification and condition assessment. He has designed and constructed several fish ladders and erosion control structures. As an experienced technician, Mike provides mid-level supervision of field personnel. Mike has worked with California Department of Fish and Game, US Forest Service, and several nonprofit conservation groups. Mike is also an assistant instructor at Feather River College.

Michael and his wife Shirley have two children and live in the Genesse woods outside Taylorsville.

STEVEN SELF

Steven Self, wildlife biologist for Sierra Pacific Industries, was born and spent his earliest years in the South before moving to California at age 8. He attended high school and junior college in the San Francisco area, graduating in 1977 from California State University, Humboldt, with a degree in wildlife biology. Steven has worked in forest management for the Bureau of Land Management, the U.S. Forest Service and the federal Fish and Wildlife Service. He was employed in the timber industry at the association level before taking his current job with Sierra Pacific in 1991.

As a field scientist, Steven's primary concern is the wildlife species considered most at risk. He has a particular interest in integrating human needs into natural resource management to assure some productivity without causing the demise of forests.

Steven lives in Redding with his wife Phyllis, owner of two businesses. They have three children and one grandchild.

ROSE COMSTOCK

Rose Comstock is co-chairwoman of the Quincy chapter of California Women in Timber. She also represents that group on the state board of directors and serves on the board of directors of the Feather River Alliance for Resources and Environment (FARE).

Rose's love of the land developed during her childhood in rural Trinity County and has continued through a variety of jobs in resource-dependent communities throughout the Pacific Northwest. She has worked as a U.S. Forest Service personnel assistant and timber marker, a reading consultant to Roseburg, Oregon, public schools, a design and display coordinator for Allied Corporation and assistant manager for a department store.

Timber harvest reductions on federal lands forced Rose and her family to move from Oregon, to Washington and finally, to Quincy, where they settled in 1988. Along with raising four children with her husband Mel, Rose conducts letter-writing campaigns to educate legislators about the timber industry, the spotted owl and the importance of balanced forest management to protect land and wildlife as well as families.

MARK SHAFFER

Mark Shaffer is a forester and Vice President of Almanor Forest Products, a small family owned logging business based in Susanville. Raised in Susanville, Mark attended Lassen Community College where he majored in General Education and pitched for the Cougar Baseball Team. From there, Mark was accepted into the College of Forest Management at Oregon State University where he earned his Bachelor of Sciences degree in Forestry as well as pitching for the Division I Beavers in the springs of 1987-88.

In addition to working as a forester, Mark also serves as a Lassen County planning Commissioner and is also on the Board of Directors of the Lassen County Farm Bureau. Mark, his wife Dorinda and their daughter, Haylee live in Susanville.

FRANK STEWART

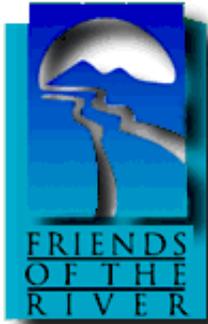
Frank Stewart is Resource Manager with Collins Pine Company in Chester, a mill recently certified as having environmentally sensitive resource practices. With a degree in Forest Management from Humboldt State University, Frank has been practicing industrial forestry in the Sierras for almost 30 years.

Along with his duties at Collins, Frank also serves a Commissioner on the California Forest Products Commission and is a Director and Past President of the Sierra Cascade Logging Conference. Frank lives in Chico with his wife Sydney, who is a school teacher. They have two grown sons and a daughter.

JOHN REDD

John Redd was born and raised in Atlanta, Georgia and attended college at Florida State University, graduating in 1965 with degrees in Mathematics and Physics. He moved to San Francisco and was employed as a research physicist for Physics International in San Leandro and as a musician in San Francisco rock bands. He later moved to Berkeley, owned an auto repair garage, lived part-time in a remote wilderness area, returning to Berkeley in 1984 to open a record store. He moved to Greenville in 1989.

John served as President of the Indian Valley Chamber of Commerce for 1991-92, during which time he initiated the restructuring of the Indian Valley Recreation & Park District and became quite involved in increasing recreational use of the National Forest. He is currently serving as President of the Board of Directors of the Indian Valley Recreation & Park District and is on the boards of the Plumas County Child Care and Development Planning Council and the Lassen-Plumas-Sierra Community Action Agency. He has a proposal before the Plumas County Board of Supervisors for the creation of a County Department of Recreation Resources.



Quincy Library Group

It's Your Land....

But Representatives Wally Herger (R-CA) and Vic Fazio (D-CA) have cosponsored legislation in Congress that requires the U.S. Forest Service to manage 2.5 million acres of public forest land in the northern Sierra Nevada according to an experimental plan proposed by the Sierra Pacific logging company and a handful of people in or near Quincy, California.

They're called the Quincy Library Group, and their experimental plan and bill (HR 858) requires the Forest Service to log 70,000 acres of public forests every year to provide mills owned by Sierra Pacific -- the largest timber company in the state -- with cheap, taxpayer-subsidized timber.

The Quincy Library Group claims that their experimental plan will reduce fire danger in the Sierra's northern forests, but no environmental study has been conducted to determine whether their plan will be effective.

No public hearings have been held concerning the Quincy Library Group plan. No public comments have been solicited. The experimental plan is being pushed through Congress despite the fact that these public forest lands belong to all Americans, not just a small group of people living in or near Quincy.

There are other problems with the Quincy Library Group bill. It provides no assurance that the Quincy plan will comply with the nation's environmental laws and regulations. It guarantees no protection for the northern Sierra's ancient forests, roadless areas, water quality, or other sensitive resources. It will cost the federal taxpayers millions of dollars to implement.

At stake are public forest lands ranging from the town of Truckee to north of Lassen Volcanic National Park. The Quincy Library Group experiment encompasses the vast Feather River watershed, which supplies millions of Californians with drinking water. The plan also affects the last remaining habitat in the Sierra Nevada for the endangered spring run chinook salmon and important tracts of the Sierra's few remaining ancient forests.

The Quincy Library Group claims its plan represents consensus, but most local, regional, and national conservation organizations oppose the bill. The Quincy plan also ignores the most recent scientific study of the Sierra which identifies ancient forests that should be protected from logging and recognizes that logging has increased fire danger in the mountain range more than any other human activity.

Ironically, the Forest Service has offered to administratively implement the Quincy Library Group experiment on a more limited basis than the program mandated by the bill. But the Quincy Library Group will accept no compromise and is pursuing Congressional approval of their bill.

WHAT YOU CAN DO:

Write a letter today to your Representative in Congress at House of Representatives, Washington D.C., 20515.

Urge your Representative to oppose HR 858 - the so-called 3Quincy Library Group2 bill. Be sure to mention the following points:

* The bill1s experimental plan affects too much public land and costs too much to implement -- all without any environmental studies, public hearings, or public input.

* The bill does not assure compliance with the nation1s environmental laws and provides no legislative protection for ancient forests, roadless areas, water quality, and other sensitive resources.

* The Quincy Library Group1s plan should only be implemented on a limited basis over a smaller area as a controlled scientific experiment -- not as a legislative mandate for the public forest lands in the northern Sierra Nevada.

In addition, write letters to your Senators, urging them to oppose any similar legislation in the Senate. Their address is United States Senate, Washington D.C. Be sure to mention the points listed above in your letter.

For more information, contact Steve Evans at Friends of the River, 128 J Street - 2nd Floor, Sacramento, CA 95814, V:(916) 442-3155, F: (916) 442-3396, email: sevens@friendsoftheriver.org.

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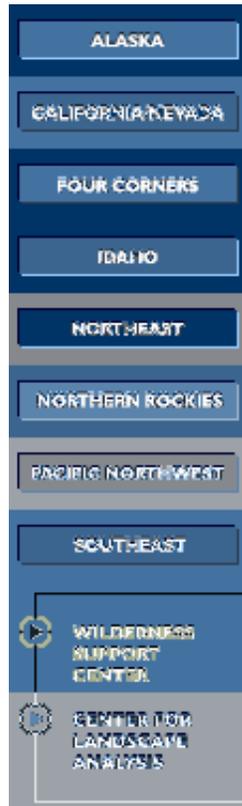
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CALIFORNIA/NEVADA

Quincy Library Bill No Solution

But the bill became law despite conservationist efforts to defeat it

Why The Wilderness Society Opposes the Quincy Library Group Legislation

Oct. 1998--The Quincy Library Group Forest Recovery and Economic Stability Act became law when President Clinton signed the FY99 Omnibus Appropriations bill, which included the Quincy bill as one of the infamous anti-environmental riders.

The Quincy effort began five years ago, meeting as the name suggests in the local library. Three local residents convened the process in the wake of President Clinton's ancient forest summit in the Pacific Northwest. The Quincy group's stated goals are lofty, and we share them: wildland protection in healthy forest ecosystems where fire plays a more natural role and does not menace human communities. Indeed, the Quincy process is widely acclaimed as the model for local collaborative processes that seek to substitute consensus for conflict. And everyone loves the legislation that flowed from the process. Everyone, that is, except 140 forest protection organizations (including The Wilderness Society), which oppose it with equal fervor.

Where supporters see a masterpiece of "devolution," critics see a monument to congressional dereliction. We see, too, a step toward the dismantling of our national forest system and probably other land protection systems owned in common by all Americans. Here's why.

We must say at the outset that The Wilderness Society

believes in consensus building, in efforts to restore a civility all but lost in today's decision making. We cannot but benefit from opportunities to share our vision and to understand competing ones. We are involved in efforts to do that, in one form or fashion, with our grassroots partners all the time and all over the country. Our goal, in this context, is sound forest management. There is little enough of it, especially in the unfortunate wake of the last Congress' salvage rider. We can't afford to care very much where good management ideas come from, and we don't.

So our criticism here is not of consensus processes generally, but specifically of the product that emerged from the Quincy process. Still, for all of that, it is inescapable that the nature of the Quincy process virtually guaranteed controversy and conflict. Local collaboratives are valued in the first instance as a means to defuse tensions, build understanding, and engender tolerance for differences of view and perspective-to wean the best minds away from warfare and toward consensus. Sadly, that result has obtained only very locally in the case of Quincy, and the conflict is less resolved than merely relocated. We found the group to be intolerant of anyone who questions the legislation or the process that conceived it. We, and others like us, were dismissed as "big-city environmentalists" and as "the paid conflict industry" that would rather fight than switch.

A more inclusive process might have averted the problems we describe in this essay. So might an early recognition that the fate of the national forest lands the Quincy plan involves is not Quincy's alone to decide.

Over time, our national forests have suffered from too much one-sided influence in the form of the timber industry. The Forest Service has too often ravaged forests to meet the myth of "community stability"-to keep the chainsaws buzzing and the logs flowing to the mill. The public's response to that tendency was enactment of the National Forest Management Act and, before it, as a more general proposition, the National Environmental Policy Act. The Quincy legislation threatens both and highlights the need for a set of principles that will govern local collaborative processes that concern themselves with an area of the broadest national interest: our national lands.

The problems with the proposal

These, in short, are our objections to the Quincy package: It is destructive in environmental terms; enormously harmful in procedural terms; and extremely dangerous in political and public policy terms. If fully implemented, the "Quincy bills" would require, for five years, implementation of an alternative forest management plan on the Plumas and Lassen National Forests and the Sierraville District of the neighboring Tahoe National Forest--2.4 million acres of public land in the northern Sierra Nevada range in California. The plan mandates logging on forty thousand to sixty thousand acres per year to construct fuelbreaks in hopes of reducing the threat of wildfires. It also provides for an additional ten thousand acres to be cut by the "group selection" (small clearcuts) method. The plan offers five years of protection for roadless areas and some of the remaining ancient forest.

There are numerous practical, on-the-ground impacts of this level of timber harvest. A draft analysis by the Forest Service found that watershed impacts would be as much as 300 percent higher than under existing plans, and that nearly one hundred miles of new roads would be required. The Congressional Budget Office estimated that the Quincy plan would more than double annual logging levels and cost taxpayers about \$83 million over the five year period.

The procedural problems posed by the legislation are just as grave. Here, as with its earlier salvage rider, the Congress is circumventing environmental laws to increase logging under the pretext of reducing fire risk. By mandating the Quincy plan, Congress is discarding the forest plan amendment process it established in the National Forest Management Act. Chief among the provisions of that process, and the principal casualties of the Quincy plan, are those that provide for environmental analysis and full public participation.

Moreover, the proposal would suspend the National Forest Management Act and its forest planning procedures for up to five years by foreclosing any potential changes to the Quincy plan that might be made administratively through either individual forest plan amendments or the pending Sierra-wide California spotted owl planning process. The effect is to insulate the Quincy plan from mid-course correction or any other change regardless of source, sense, or science.

Whose trees are these, anyway?

The current debate over the Quincy bill highlights a fundamental requirement for successful collaborative decision making that involves public land: The broader national interests, as well as the interests of the land itself and those of future generations, must be represented. They were absent in the Quincy process. The Forest Service and environmentalists from outside the area were specifically excluded from the outset.

A first rule for successful consensus processes is that all stakeholders must be at the table early on as possible. The Keystone National Policy Dialogue on Ecosystem Management (Oct. 1996) advised that, "Some parties may not have the time or financial means to be involved even though they have legitimate interests in the outcome of the process and would like to be involved.

Likewise, future generations and the physical and biological environment are affected by the outcomes and have no direct representation. Those who do actively participate should reflect all these interests and assure that they are appropriately represented."

Similarly, the President's Council on Sustainability (Feb. 1996) cautioned that, "Finding an acceptable integration of local, regional and national interests is not without difficulty. Issues involving public lands and marine resources, for instance, require that a broad, national perspective be maintained. . . . To ensure that all interests are represented, all stakeholders need to be involved in the decision process."

A corollary rule for a successful consensus process is to choose a scale appropriate to the task. Experience shows that the most successful efforts are relatively small and focused on a particular project. Often, the scale for consideration is determined by ecological issues, and is usually confined to a particular stream segment or sub-watershed.

By contrast, the Quincy plan's scale is vast—two entire national forests, one district from third, and all or portions of seven counties—an area larger than Rhode Island and Delaware combined. Concerns about the size of the planning area have been expressed by such authorities as the leader of the Sierra Nevada Ecosystem Project, an independent, congressionally mandated scientific assessment of the entire Sierra range.

Local participation or local preemption?

The Wilderness Society questions the wisdom of legislating local control schemes on any scale. Our great public land systems-national forests, Bureau of Land Management lands, national parks, wildlife refuges, and, overlain on parts of them all, the National Wilderness Preservation System-are just that: systems. They are meant to be managed systematically, with baseline standards common to all-standards sufficient to guarantee the Integrity of each system and all of its component units.

Within those systematic management guidelines, though, there is ample flexibility to reflect local needs and conditions. There is ample opportunity-guarantee in statute and regulation-for public participation, including local participation. For all those opportunities to participate, there is no statutory suggestion that propinquity to the lands in question conveys a greater than usual right, even to comment, much less to control. Nor should there be, for these are national lands.

Conservationists or anyone else who question the wisdom of the Quincy proposal, are accused of an unwillingness to compromise. Yet each of the land systems was forged in congressional compromise, all of it difficult, some of it painful. And that compromise diminished them. Similarly, each of the broad environmental statutes meant to ensure a fair and rational process for federal decision making or to fine-tune management of individual systems was the product of compromise-compromise that diminished them, too. Many believe that these statutory safeguards in their present forms are already inadequate to ensure that we will hand the federal estate to the next generation of Americans. There is surely no room to compromise them further-half of half, again and again, until nothing larger than the microscopic remains.

If Quincy were the end of it, and no more than those 2.4 million acres of our forest were ever surrendered to local control, that would be trouble enough. But it won't end there. When we consider what Quincy portends for public land management across the country, we are wise to remember that this Congress is little changed, save for style, from the Congress that brought its Contract With American to near-fruit, many of whose members enthusiastically sought to dispose of the public estate-a Congress, also, whose stated goal was to overturn the impressive body of law that safeguards the

environment, human health, and safety. This, in short, is a Congress eager to embrace any proposal that serves those antifederal and anti-environmental impulses-and if it comes in the apparently unassailable armor of community consensus, so much the better.

The Quincy legislation is dangerous in itself, dangerous in its precedents, dangerous in its auguries. The Wilderness Society opposes it on all those grounds. We continue to support legitimate community consensus processes whose scope and membership are mutually appropriate. We are not just willing but eager to work with communities and others to find the best and most broadly beneficial way to adapt and implement existing policy, but will insist that the guidelines for the process clearly respect existing law and regulation.

We will not participate in processes whose goal is the dilution of environmental standards or a weakening of the systematic-and considerably flexible-laws and regulations that protect our public lands. And we will oppose processes whose first or eventual goal, whose explicit or implicit purpose, is local control over America's public land resources. The aegis of community consensus, despite its political appeal, cannot transform bad public policy into good, but makes it even more insidious in today's political climate. In our opinion, the Quincy Library Group's legislation is bad public policy.



A CLEAR View

November 20, 1997
Volume 4 Number 15

Introduction

In the March 1996 issue of A CLEAR View, a California activist wrote about a nearby logging town whose warring citizens had sat down at the local library to talk about their differences. From those talks came a forest management plan that became a bill in Congress and now has been declared dead until Congress reconvenes in January. Focusing not as much on the substance of the plan as on the consensus process by which it was conceived, we return a year and half later to the Quincy Library Group. In this issue, we provide the views of supporters and detractors, examine the environmental backlash's surprisingly quiet response to the QLG bill, and present examples of other collaborative processes nationwide that merit more attention than they have received.

Background of the Quincy Library Group (Forest Recovery and Economic Stability Act of 1997, H.R. 858 and S. 1028)

When the timber supply dwindled in the 1980's in Quincy, CA, the local extractive industry felt the effects. Timber workers, out of escalating frustration, blamed the environmental community for the reduced timber volume, mechanization of jobs and loss of revenues to county governments. In retaliation, bullets were fired into office windows and swerving logging trucks frightened pedestrians on the "wrong side" of the issue.

Instead of following a path to destruction, however, local citizens decided to work together to figure out how to restore community stability and manage forest fire hazards. Also slated for the region's future was an Environmental Impact Statement on the California Spotted Owl. By planning ahead, according to participants in the group, the town wanted to avoid the kind of economic problems plaguing Pacific Northwest logging communities.

After meeting for more than two years in the Quincy Library, the "Quincy Library Group" by consensus developed a comprehensive plan that, proponents say, would reduce fire dangers by logging away dense and unnatural undergrowth. The pilot project would require the US Forest Service to remove 40,000 to 60,000 acres of overgrowth each year from fire-prone sections on Federal lands within the Plumas and Lassen National Forest and the Sierraville Ranger District of the Tahoe National Forest -- a total of 2.5 million acres.

The group brought their completed plan to the Forest Service in 1992. Because the Forest Service would only implement parts of the plan, the group decided to ask Rep. Wally Herger (R-CA) to sponsor the whole proposal.

Representative Herger introduced his version of the QLG Community Stability Proposal in H.R. 858. Before H.R. 858 was voted on, Representative Don Young (R-AK) offered amendments to the House bill that were requested by Representative George Miller (D-CA) to try and bring the bill into compliance with NEPA and the National Forest Management Act process. The bill and the amendments were approved by the House on July 9, 1997, when the bill passed by a vote of 429 to 1.

Representative Diane Feinstein's (D-CA) Senate version of the Quincy Library Proposal (S-1028), passed by a voice vote out of the Resources Committee Wednesday, October 22. It has now been declared dead until Congress reconvenes in January 1998. If the bills are reconsidered, they may be sent as a single piece of legislation to the President.

The Quincy Library Bill Controversy -- Round Table or Square?

Confidence in the consensus process -- bringing to the table varying interests to discuss the fate of natural resources in a particular region -- is at the root of the QLG controversy. Environmentalists believe there is no set of criteria or standards for what is or is not an officially recognized collaborative effort. Any "spontaneous" gathering of "concerned citizens" may be described as a collaborative effort and could impact public policy issues regardless of what guidelines, if any, have been followed.

In a widely circulated memo that was featured in an article by Patrick Mazza (Cascadia Planet, 8/97), Sierra Club Chair Michael McCloskey wrote critically of the collaborative process with references to the QLG in particular. He wrote of the power industry holds over rural economies and their ability to "generate pressures on communities where it is strong, which it doesn't have at the national level." McCloskey also warned that "all the non-local stakeholders are excluded from the process" and that "there's a precedent being set here. So we don't have national forests anymore, but just forests run in local dictates."

This concern is echoed by Felice Pace of the Klamath Forest Alliance (KFA) in Etna, CA. According to Pace, the KFA does support the idea of consensus building and community dialogue, including groups like the QLG. However, he says the QLG final plan troubles the KFA. Pace argues that implementing a pilot project through Congressional action could allow other consensus efforts to opt for a legislative solution rather than working out an agreement within the group. Echoing the concerns of McCloskey, he says this bill could "herald a process of balkanization of national forest management."

The National Audubon Society has also voiced their apprehension to the collaborative process, especially concerning the Quincy Group. While the group's local affiliate, the Plumas Audubon Society in Quincy, supports the bill, the national organization and many of its other local chapters say the QLG fails Audubon's standards for community forums. That standard is based on the question "Is there an opportunity for full public participation?" Audubon said that in the case of QLG, such mundane issues as when and where to meet and how to contact people may have excluded interested parties. The Quincy area is mountainous, begging the question of whether it was too difficult for the public to physically attend the meetings. Also in question was whether people trusted the meeting? Without a set of standards, Audubon contends that it is impossible to determine whether a consensus group represents a true agreement between interested parties.

National Audubon believes that the Forest Service has the potential to approximate public interest across the nation better than any special interest groups. They also "provide a reliable and known set of procedures people can become comfortable with and utilize." Audubon believes the answer to more full participation is "to improve federal procedures not...make unnecessary exceptions to them."

The Information: Who Has It

The California office of The Wilderness Society alleged a lack of public participation when it stated in a press release that efforts from outside environmental organizations were spurned by QLG participants. The release further claimed that the public was not informed of the agreement until after all details had been finalized.

Participants in the QLG take issue with complaints that QLG locked citizens out. Rose Comstock of CA Women in Timber says that public participation was welcomed by all QLG members and that there was no effort to blacklist or exclude anyone. True locals comprised the group, but the public can and will be able to have its say, she says. To support this, Comstock points to the impending Environmental Impact Statement the Forest Service must write regarding protection of the California Spotted Owl. Linda Blum, an environmentalist on QLG and a longtime forestry activist who served a two year stint on the Western Ancient Forest Campaign board, concurs. She said that no one was intentionally left out and that the meetings were public forums, not the closed door sessions their opponents would like to portray. Blum is also a member of the Friends of Plumas Wilderness, and is on the steering committee of the California Ancient Forest Alliance. Recently, she unsuccessfully tried to stop the California Fish and Game Department from dumping pesticides into Lake Davis in its effort to kill non-native fish.

Mike Jackson, an environmental attorney and founding member of the QLG, claims that the QLG repeatedly asked for participation by members of the environmental community outside the Quincy area. However, its entreaties were rebuffed.

Filling Up Seats

Another problem inherent with consensus groups, according to environmentalists, is the strong influence of industry and its supporters in communities economically dependent on natural resource extraction. Some logging companies, for example, paid their workers to attend demonstrations against spotted owl protections during the timber wars in the Pacific Northwest. The on-going public relations battle waged by backlash activists and industry portraying environmentalists as anti-human and anti-community can isolate environmentalists in such communities. Numerous documented instances of harassment, intimidation, and violence directed towards activists have had a cumulative effect as well. Many environmentalists believe that proponents of consensus-based solutions adeptly exploit this built-up fear and weariness among rural activists thereby forcing them to negotiate from a position of weakness.

To some extent, this power imbalance did have an impact on the QLG. One of the reasons the citizens began meeting initially was to try and temper the increasingly hostile environment in the community of Quincy. In a videotape called "Forestry Wars", Mike Jackson, environmental attorney and QLG participant, jokingly referred to trucks speeding up when he was trying to cross the street. Linda Blum concurs, saying "Pick-ups with yellow ribbons [symbols of support for the logging industry that first appeared during the Northern Spotted Owl controversy in the late 1980s] have been slowing down..." since the formation of the group and the camaraderie has made friends of former enemies.

Ingredients That Work, Substitutions That Don't

Some environmentalists have complained that, in the case of QLG, interested parties -- the public and the agencies mandated by Congress to formulate management plans and enforce regulations -- were left out of the process. Legislating a local plan outside of existing political frameworks sets a dangerous precedence, critics say. The result, according to National Audubon, would be an unacceptable level of control of public resources by one local group.

Linda Blum argues that forestry management has always revolved around parochial interests. Realistically no one environmentalist can truly claim to be active in every public lands decision, she says. Blum claims there is no new "huge legal and historical precedent" with the QLG bill and points to the Sterling Forest and Presidio Park (CA) legislation from past sessions as examples of federal legislation serving local interests.

"That is like comparing apples to oranges," according to Steve Holmer of the Western Ancient Forest Campaign. Holmer states that in the case of the QLG bill, the actual management of the land would change. The Presidio and Sterling Forest bills that Blum pointed to only resulted in the ownership of land changing hands, he argues. Holmer adds that the QLG bill would establish "piecemeal management" that conflicts with the "whole ecosystems management" advocated under a science based approach to species and land protection.

For some environmentalists, the problems with collaborative efforts are straightforward and precedent-setting. Supporters of QLG see these complaints as having to do with other issues entirely. Comstock believes the opposition stems from a "fear of success" that the QLG proposal might prove to be effective. She says finding a solution "seems to upset Washington lobbyists for the environment," which explains their desperate tactics to derail the legislation. Comstock claims the environmental movement would lose their bogeyman, and fundraising cash cow, should resolutions be pushed rather than continuing the conflict over forestry management.

Divided Lines -- Which Way Up

The collaborative effort embodied by the QLG has caused a degree of conflict between environmentalists, has helped forge new alliances between would-be enemies and has caused some environmental supporters of QLG to adopt backlash rhetoric.

On the question of why there is such strong opposition from environmentalists to a proposal that has the support of some local environmentalists, National Audubon has said that it has nothing to do with fundraising goals of national environmental groups, as some suggest. Rather, in Audubon's view, it's mainly small grassroots groups around the country panning the QLG for a specific reason. These groups often have opportunities to participate in community coalitions on local environmental issues, and are in the best position to understand the potential dangers inherent in them.

Local environmentalists involved in the Quincy matter see it differently. Parroting language used by backlash activists for many other public policy battles, environmentalists on the panel have gone on the offensive. Blum minces no words in describing the motives of her naysayers. She believes the environmental community needs "to defeat this to keep others from coming forward with other ideas." Blum claims the national environmental organizations "want gridlock" and "don't believe rural people should participate" in the legislative arena.

QLG founding member Mike Jackson also responds to the criticism lodged by environmentalists, saying that class and regional prejudices help explain the differences in approach. Jackson says that urban, professional environmentalists oppose the bill while rural, blue-collar folks -- those who live in towns like Quincy -- want to work to find a compromise that allows for a healthy community and a sustainable environment.

Users Response to QLG -- Anyone Home?

Longtime trackers of the environmental backlash would assume that a proposal that controls public lands at the local level and has pitted environmentalist v. environmentalist would have the backlash crowd jumping for joy. Based on web site and literature reviews, however, few backlash organizations are actively embracing and promoting the legislation.

Extractive industry supporters who are promoting the bill say there was considerable debate among the backlash crowd over aspects of the QLG. According to Comstock, some backlash activists questioned the logic of sitting down with environmentalists and were suspicious of her involvement in the QLG process. She mentioned that some were skeptical about the silvicultural methods proposed in the bill. Comstock says many

urged her to shy away from terminology like "sustainable yield," which they argued was environmental terminology. Comstock says she was "upset and baffled" with the sometimes personal criticism directed at her by activists from within her own movement. Luckily, she says, most members of the California Women in Timber came to her defense and urged her to continue with the QLG.

Bruce Vincent, head of the national umbrella group Alliance for America, disagrees that the backlash was slow to embrace the QLG. He says that his organization supports local resolutions and supported the QLG effort.

In regard to the lack of articles or materials from the environmental backlash promoting the QLG bill, Comstock writes this off as the difference between pushing a national issue such as the American Heritage Rivers Initiative versus a piece of legislation that only impacts the state of California. She said that alerts sent out to People for the West! and the Alliance for America networks, along with the positive response she received at the Fly-In For Freedom, were instances where the national leadership did prove responsive.

When asked about resistance to the QLG from "wise users," as in Rose Comstock's experience, Vincent agreed that there was some conflict but he writes it off to a difference in perspective between property rights activists and public lands activists. He also admits that the proposal does not contain everything the backlash movement would like but, he says, that "locals know better."

Chuck Cushman, head of the American Land Rights Association, has his own thoughts about consensus and QLG. He defines a consensus group as legitimate only when all constituents are satisfied with the decision-making to move to the next step. He applauds efforts at dialogue, saying that "people are more moderate" when forced to confront each other as opposed to lobbing rhetorical bombs against a faceless enemy.

While applauding the process in Quincy, Cushman could generate little enthusiasm for the QLG legislation. He argues that the fatal flaw of the bill is that the timber-dependent communities still will not survive. He believes that the QLG was "borne out of desperation" as backlash timber activists looked for anything that might keep their dying industry on life support, even if was only on a short-term basis. He claims that negotiating from a position of weakness meant that the activists allowed the environmental activists to steamroll the other side. Summing up his position, Cushman says "compromise doesn't mean you put yourself out of business."

SIDEBAR: Consensus Groups Nationwide

Activists differ on the exact number but presently, there are over twenty identified consensus groups ongoing throughout the nation.

Minnesota In Minnesota, an effort is underway by northern counties to establish a new process for handling land use and environmental issues. Billed as the Northern Counties Land Use Coordinating Board (NCLUCB), the group is comprised of local officials and concerned citizens. According to activists in the area, however, the local grassroots backlash organization, Conservationists with Common Sense, along with iron mining and timber industry supporters, are dominating the proceedings. Funded in large part by the state, the NCLUCB initiative has been hampered by failures to notify interested parties about scheduled meetings.

Maine Industry used the consensus-based process to divide and conquer the environmental community in Maine's north woods. In 1995, the Green Party and a local environmental organization called RESTORE: The North Woods pushed a referendum to ban clearcutting in the state. With polls showing increasing support for the measure, the timber industry and Governor Angus King (Ind.) formed a consensus group to devise an alternative to place on the ballot. The group enlisted the support of the Natural Resources Council of Maine and Maine Audubon but shut out national organizations and other state groups.

The result was The Compact for Maine's Forest which included a number of industry favored regulations. Despite launching what is reported to have been a \$6 million ad campaign in 1996, the industry measure only garnered 47 percent of the popular vote, in repudiation to the Governor and industry, and a victory for grassroots environmental organizations. A referendum drawn from the King proposal failed at the ballot box earlier this year, largely because of the strange bedfellows alliance between clearcutting opponents and small private forest land holders who found the ballot measure too restrictive.

Boston Another collaborative effort is underway in Massachusetts to clean up PCB contaminated soil from the New Bedford Harbor. Unlike other examples mentioned, this consensus-based approach works within the existing regulatory framework and does not establish new rules or allow for tradeoffs.

Listed as a Superfund site in 1983, the harbor was dredged in 1990 with plans to incinerate the soil under the authority of the EPA. The ensuing public outcry forced the agency to abandon the proposal, resulting in 15,000 cubic yards of muck that sat in a fenced-in, heavily lined containment pool within the city of New Bedford.

To find possible solutions, the EPA convened a citizen's committee to analyze and outline an effective clean-up program. Using a panel of scientists, the consensus group is in the process of devising a three step approach that will not only treat the current waste, but will clean the 450,000 cubic yards yet to be dredged.

Even though the collaborative effort is moving slowly, the group seems to have won the support of the town residents, including the area's representative, Barney Frank (D-MA). He applauds the efforts of the group saying, "it is very much a participatory process, and that is good."

SIDEBAR: Another Look At Consensus: An Interview with John Stauber

A CLEAR View talked to John C. Stauber, co-author with Sheldon Rampton of *Toxic Sludge is Good for You! Lies, Damn Lies and the Public Relations Industry* about consensus groups. Stauber is the executive director of the Center for Media and Democracy, established in 1993 to publish PR Watch, a quarterly newsletter, and to serve as a clearinghouse for journalists, activists, and academics who need information about the public relations industry. He can be reached at 3318 Gregory Street, Madison, WI 53711; Phone 608-233-3346; Fax 608-238-2236; E-mail: stauber@compuserve.com; Website: www.prwatch.org

ACV: How would you define a community consensus group or process? Is it a misnomer?

JS: The term "consensus process" is a brilliant misnomer because it implies democracy and agreement. In fact, the consensus process as used by government and industry is best viewed as a public relations crisis management tool that primarily divides, stymies and defeats social change activists while protecting and strengthening the status quo.

Consensus groups claim to act in the name of community democracy, conflict resolution and social reform. In fact, status quo interests carefully choose a group willing to sit down with industry and develop a position that usually protects industry's most fundamental position in the long run while tossing a few crumbs to the non-profit and community participants.

There are PR firms that specialize in helping industry defeat community activists via these techniques. One of them is the Mongoven, Biscoe & Duchin firm which we examine at length in our book *Toxic Sludge Is Good For You*. MBD classifies activists into three categories: radicals, idealists and realists. The corporate goal is to defeat the real social change activists, the so-called radicals, by co-opting the realists and idealists into

partnerships and consensus processes, while marginalizing the radicals.

While idealists play a part, it is carefully selected realists who get invited or seduced into joining the consensus process. MBD's Ron Duchin says these realists are able to "live with tradeoffs; willing to work within the system; not interested in radical change; pragmatic. The realists should always receive the highest priority in any strategy dealing with a public policy issue." In other words, the realists can be counted on to sell out the concerns of the radicals, and do so in the name of pragmatism and "win-win" solutions.

The ultimate aim of the consensus process is to produce these "win-win" solutions. Since industry is almost always participating from a position of strength, and the objective of the process itself is to divide activists and marginalize the so-called radicals, industry never has to give in. MBD, E. Bruce Harrison and other experts at this co-optation strategy counsel their clients to "never get to yes by giving in." Harrison got his start 35 years ago leading the brutal chemical industry assault against Rachel Carson and her book *Silent Spring*. He points out that simply initiating a consensus process can be a winning strategy for the status quo forces because it projects a media image of industry being reasonable, it allows carefully selected participants to share that spotlight, and it undercuts confrontational protests and community organizing while it is occurring.

ACV: How long have consensus groups been around and what was their origin?

JS: These types of "divide and conquer" techniques are as old as the hills; the consensus process is just a recent manifestation dressed up in the trappings of democracy and community involvement. I live in Madison, Wisconsin, and the first time I saw the process applied was fifteen years ago here in my state by mining interests and their friends in Wisconsin government. The Wisconsin legislature put together a "consensus committee" dominated by industry attorneys, legislators, state environmental bureaucrats, and a couple attorneys from mainstream Wisconsin environmental groups. Industry's purpose was to change the state's ground water law to open up the state to transnational mining firms. Local grassroots activists in northern Wisconsin were at the time successfully organizing to oppose mining, but when the consensus process weakened the state's ground water law, it was a major defeat for the grassroots activists. However, the professional environmentalists who participated insisted that the changes were actually progressive. Years later they realized the grassroots activists were right.

ACV: How widely used are consensus groups? Are they growing at local level?

JS: Consensus groups, partnerships and similar co-optation techniques are unfortunately on the increase. Many mainstream foundations and environmental groups naively participate. Mark Dowie, in his important book *Losing Ground*, has very accurately critiqued the weaknesses among environmentalists that allow business and its subsidized Wise Use forces to defeat our movement. I strongly urge groups to not participate in industry partnerships and consensus groups, and concentrate instead on building grassroots political power, strengthening the movement and winning real, not imaginary victories. Consensus groups are best seen as one of a number of corporate and government strategies employed to co-opt and defeat social change activists.

(A CLEAR View Sources: Patrick Mazza, *Cascadia Planet*, August 1997; National Audubon letter opposing S. 1028 9/17/; *Boston Globe* 10/4; CLEAR interviews; The Wilderness Society; Greenwire 10/28; *Sports Afield* 10/97; *San Francisco Chronicle* 10/21)

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CLEAR provides grassroots and national environmental advocates and organizations with information about the vital importance of fair and effective environmental policies in protecting human health, natural resources, communities and private property. Through publications, research and facts, CLEAR helps concerned citizens understand and counter misinformation about environmental policy and science and the impacts of environmental law on the economy and private property.

CLEAR depends on grassroots activists to keep us informed of any articles, anti-environmental events, success or horror stories about local, regional and national resource and property rights battles.

CLEAR is a project of the Environmental Working Group, a not-for-profit 501(c)(3) environmental research and publishing organization based in Washington, D.C.

About the Environmental Working Group

The Environmental Working Group is a nonprofit environmental research organization based in Washington, D.C. Environmental Working Group is a project of the Tides Center, a California Public Benefit Corporation based in San Francisco that provides administrative and program support services to nonprofit programs and projects.

§ 1500.5 Reducing delay.

Agencies shall reduce delay by:

(a) Integrating the NEPA process into early planning (§ 1501.2).

(b) Emphasizing interagency cooperation before the environmental impact statement is prepared, rather than submission of adversary comments on a completed document (§ 1501.6).

(c) Insuring the swift and fair resolution of lead agency disputes (§ 1501.5).

(d) Using the scoping process for an early identification of what are and what are not the real issues (§ 1501.7).

(e) Establishing appropriate time limits for the environmental impact statement process (§§ 1501.7(b)(2) and 1501.8).

(f) Preparing environmental impact statements early in the process (§ 1502.5).

(g) Integrating NEPA requirements with other environmental review and consultation requirements (§ 1502.25).

(h) Eliminating duplication with State and local procedures by providing for joint preparation (§ 1506.2) and with other Federal procedures by providing that an agency may adopt appropriate environmental documents prepared by another agency (§ 1506.3).

(i) Combining environmental documents with other documents (§ 1506.4).

(j) Using accelerated procedures for proposals for legislation (§ 1506.8).

(k) Using categorical exclusions to define categories of actions which do not individually or cumulatively have a significant effect on the human environment (§ 1508.4) and which are therefore exempt from requirements to prepare an environmental impact statement.

(l) Using a finding of no significant impact when an action not otherwise excluded will not have a significant effect on the human environment (§ 1508.13) and is therefore exempt from requirements to prepare an environmental impact statement.

§ 1500.6 Agency authority.

Each agency shall interpret the provisions of the Act as a supplement to its existing authority and as a mandate to view traditional policies and missions in the light of the Act's national environmental objectives. Agencies shall review their policies, procedures,

and regulations accordingly and revise them as necessary to insure full compliance with the purposes and provisions of the Act. The phrase "to the fullest extent possible" in section 102 means that each agency of the Federal Government shall comply with that section unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.

PART 1501—NEPA AND AGENCY PLANNING

Sec.

1501.1 Purpose.

1501.2 Apply NEPA early in the process.

1501.3 When to prepare an environmental assessment.

1501.4 Whether to prepare an environmental impact statement.

1501.5 Lead agencies.

1501.6 Cooperating agencies.

1501.7 Scoping.

1501.8 Time limits.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 *et seq.*), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609, and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

SOURCE: 43 FR 55992, Nov. 29, 1978, unless otherwise noted.

§ 1501.1 Purpose.

The purposes of this part include:

(a) Integrating the NEPA process into early planning to insure appropriate consideration of NEPA's policies and to eliminate delay.

(b) Emphasizing cooperative consultation among agencies before the environmental impact statement is prepared rather than submission of adversary comments on a completed document.

(c) Providing for the swift and fair resolution of lead agency disputes.

(d) Identifying at an early stage the significant environmental issues deserving of study and deemphasizing insignificant issues, narrowing the scope of the environmental impact statement accordingly.

(e) Providing a mechanism for putting appropriate time limits on the environmental impact statement process.

§ 1501.2 Apply NEPA early in the process.

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. Each agency shall:

(a) Comply with the mandate of section 102(2)(A) to “utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man’s environment,” as specified by § 1507.2.

(b) Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses. Environmental documents and appropriate analyses shall be circulated and reviewed at the same time as other planning documents.

(c) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act.

(d) Provide for cases where actions are planned by private applicants or other non-Federal entities before Federal involvement so that:

(1) Policies or designated staff are available to advise potential applicants of studies or other information foreseeably required for later Federal action.

(2) The Federal agency consults early with appropriate State and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.

(3) The Federal agency commences its NEPA process at the earliest possible time.

§ 1501.3 When to prepare an environmental assessment.

(a) Agencies shall prepare an environmental assessment (§ 1508.9) when necessary under the procedures adopted by individual agencies to supplement these regulations as described in § 1507.3. An assessment is not necessary

if the agency has decided to prepare an environmental impact statement.

(b) Agencies may prepare an environmental assessment on any action at any time in order to assist agency planning and decisionmaking.

§ 1501.4 Whether to prepare an environmental impact statement.

In determining whether to prepare an environmental impact statement the Federal agency shall:

(a) Determine under its procedures supplementing these regulations (described in § 1507.3) whether the proposal is one which:

(1) Normally requires an environmental impact statement, or

(2) Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(b) If the proposed action is not covered by paragraph (a) of this section, prepare an environmental assessment (§ 1508.9). The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing assessments required by § 1508.9(a)(1).

(c) Based on the environmental assessment make its determination whether to prepare an environmental impact statement.

(d) Commence the scoping process (§ 1501.7), if the agency will prepare an environmental impact statement.

(e) Prepare a finding of no significant impact (§ 1508.13), if the agency determines on the basis of the environmental assessment not to prepare a statement.

(1) The agency shall make the finding of no significant impact available to the affected public as specified in § 1506.6.

(2) In certain limited circumstances, which the agency may cover in its procedures under § 1507.3, the agency shall make the finding of no significant impact available for public review (including State and areawide clearinghouses) for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin. The circumstances are:

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(i) The proposed action is, or is closely similar to, one which normally requires the preparation of an environmental impact statement under the procedures adopted by the agency pursuant to §1507.3, or

(ii) The nature of the proposed action is one without precedent.

§ 1501.5 Lead agencies.

(a) A lead agency shall supervise the preparation of an environmental impact statement if more than one Federal agency either:

(1) Proposes or is involved in the same action; or

(2) Is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity.

(b) Federal, State, or local agencies, including at least one Federal agency, may act as joint lead agencies to prepare an environmental impact statement (§ 1506.2).

(c) If an action falls within the provisions of paragraph (a) of this section the potential lead agencies shall determine by letter or memorandum which agency shall be the lead agency and which shall be cooperating agencies. The agencies shall resolve the lead agency question so as not to cause delay. If there is disagreement among the agencies, the following factors (which are listed in order of descending importance) shall determine lead agency designation:

(1) Magnitude of agency's involvement.

(2) Project approval/disapproval authority.

(3) Expertise concerning the action's environmental effects.

(4) Duration of agency's involvement.

(5) Sequence of agency's involvement.

(d) Any Federal agency, or any State or local agency or private person substantially affected by the absence of lead agency designation, may make a written request to the potential lead agencies that a lead agency be designated.

(e) If Federal agencies are unable to agree on which agency will be the lead agency or if the procedure described in paragraph (c) of this section has not resulted within 45 days in a lead agency

designation, any of the agencies or persons concerned may file a request with the Council asking it to determine which Federal agency shall be the lead agency.

A copy of the request shall be transmitted to each potential lead agency. The request shall consist of:

(1) A precise description of the nature and extent of the proposed action.

(2) A detailed statement of why each potential lead agency should or should not be the lead agency under the criteria specified in paragraph (c) of this section.

(f) A response may be filed by any potential lead agency concerned within 20 days after a request is filed with the Council. The Council shall determine as soon as possible but not later than 20 days after receiving the request and all responses to it which Federal agency shall be the lead agency and which other Federal agencies shall be cooperating agencies.

[43 FR 55992, Nov. 29, 1978; 44 FR 873, Jan. 3, 1979]

§ 1501.6 Cooperating agencies.

The purpose of this section is to emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any other Federal agency which has jurisdiction by law shall be a cooperating agency. In addition any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. An agency may request the lead agency to designate it a cooperating agency.

(a) The lead agency shall:

(1) Request the participation of each cooperating agency in the NEPA process at the earliest possible time.

(2) Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency.

(3) Meet with a cooperating agency at the latter's request.

(b) Each cooperating agency shall:

(1) Participate in the NEPA process at the earliest possible time.

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(2) Participate in the scoping process (described below in § 1501.7).

(3) Assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.

(4) Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.

(5) Normally use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests.

(c) A cooperating agency may in response to a lead agency's request for assistance in preparing the environmental impact statement (described in paragraph (b)(3), (4), or (5) of this section) reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement. A copy of this reply shall be submitted to the Council.

§ 1501.7 Scoping.

There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping. As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (§ 1508.22) in the FEDERAL REGISTER except as provided in § 1507.3(e).

(a) As part of the scoping process the lead agency shall:

(1) Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds), unless there is a limited exception under § 1507.3(c). An agency may give notice in accordance with § 1506.6.

(2) Determine the scope (§ 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement.

(3) Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (§ 1506.3), narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere.

(4) Allocate assignments for preparation of the environmental impact statement among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.

(5) Indicate any public environmental assessments and other environmental impact statements which are being or will be prepared that are related to but are not part of the scope of the impact statement under consideration.

(6) Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the environmental impact statement as provided in § 1502.25.

(7) Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decisionmaking schedule.

(b) As part of the scoping process the lead agency may:

(1) Set page limits on environmental documents (§ 1502.7).

(2) Set time limits (§ 1501.8).

(3) Adopt procedures under § 1507.3 to combine its environmental assessment process with its scoping process.

(4) Hold an early scoping meeting or meetings which may be integrated with any other early planning meeting the agency has. Such a scoping meeting will often be appropriate when the impacts of a particular action are confined to specific sites.

(c) An agency shall revise the determinations made under paragraphs (a) and (b) of this section if substantial changes are made later in the proposed

action, or if significant new circumstances or information arise which bear on the proposal or its impacts.

§ 1501.8 Time limits.

Although the Council has decided that prescribed universal time limits for the entire NEPA process are too inflexible, Federal agencies are encouraged to set time limits appropriate to individual actions (consistent with the time intervals required by §1506.10). When multiple agencies are involved the reference to agency below means lead agency.

(a) The agency shall set time limits if an applicant for the proposed action requests them: *Provided*, That the limits are consistent with the purposes of NEPA and other essential considerations of national policy.

(b) The agency may:

(1) Consider the following factors in determining time limits:

- (i) Potential for environmental harm.
- (ii) Size of the proposed action.
- (iii) State of the art of analytic techniques.
- (iv) Degree of public need for the proposed action, including the consequences of delay.
- (v) Number of persons and agencies affected.
- (vi) Degree to which relevant information is known and if not known the time required for obtaining it.
- (vii) Degree to which the action is controversial.
- (viii) Other time limits imposed on the agency by law, regulations, or executive order.

(2) Set overall time limits or limits for each constituent part of the NEPA process, which may include:

- (i) Decision on whether to prepare an environmental impact statement (if not already decided).
- (ii) Determination of the scope of the environmental impact statement.
- (iii) Preparation of the draft environmental impact statement.
- (iv) Review of any comments on the draft environmental impact statement from the public and agencies.
- (v) Preparation of the final environmental impact statement.
- (vi) Review of any comments on the final environmental impact statement.

(vii) Decision on the action based in part on the environmental impact statement.

(3) Designate a person (such as the project manager or a person in the agency's office with NEPA responsibilities) to expedite the NEPA process.

(c) State or local agencies or members of the public may request a Federal Agency to set time limits.

PART 1502—ENVIRONMENTAL IMPACT STATEMENT

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- 1502.23 Cost-benefit analysis.
- 1502.24 Methodology and scientific accuracy.
- 1502.25 Environmental review and consultation requirements.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 *et seq.*), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

SOURCE: 43 FR 55994, Nov. 29, 1978, unless otherwise noted.

§ 1502.1 Purpose.

The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the

action, or if significant new circumstances or information arise which bear on the proposal or its impacts.

§ 1501.8 Time limits.

Although the Council has decided that prescribed universal time limits for the entire NEPA process are too inflexible, Federal agencies are encouraged to set time limits appropriate to individual actions (consistent with the time intervals required by §1506.10). When multiple agencies are involved the reference to agency below means lead agency.

(a) The agency shall set time limits if an applicant for the proposed action requests them: *Provided*, That the limits are consistent with the purposes of NEPA and other essential considerations of national policy.

(b) The agency may:

(1) Consider the following factors in determining time limits:

- (i) Potential for environmental harm.
- (ii) Size of the proposed action.
- (iii) State of the art of analytic techniques.

(iv) Degree of public need for the proposed action, including the consequences of delay.

(v) Number of persons and agencies affected.

(vi) Degree to which relevant information is known and if not known the time required for obtaining it.

(vii) Degree to which the action is controversial.

(viii) Other time limits imposed on the agency by law, regulations, or executive order.

(2) Set overall time limits or limits for each constituent part of the NEPA process, which may include:

(i) Decision on whether to prepare an environmental impact statement (if not already decided).

(ii) Determination of the scope of the environmental impact statement.

(iii) Preparation of the draft environmental impact statement.

(iv) Review of any comments on the draft environmental impact statement from the public and agencies.

(v) Preparation of the final environmental impact statement.

(vi) Review of any comments on the final environmental impact statement.

(vii) Decision on the action based in part on the environmental impact statement.

(3) Designate a person (such as the project manager or a person in the agency's office with NEPA responsibilities) to expedite the NEPA process.

(c) State or local agencies or members of the public may request a Federal Agency to set time limits.

PART 1502—ENVIRONMENTAL IMPACT STATEMENT

- Sec.
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- 1502.25 Environmental review and consultation requirements.

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SOURCE: 43 FR 55994, Nov. 29, 1978, unless otherwise noted.

§ 1502.1 Purpose.

The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the

Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.

§ 1502.2 Implementation.

To achieve the purposes set forth in § 1502.1 agencies shall prepare environmental impact statements in the following manner:

(a) Environmental impact statements shall be analytic rather than encyclopedic.

(b) Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.

(c) Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations. Length should vary first with potential environmental problems and then with project size.

(d) Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of the Act and other environmental laws and policies.

(e) The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decisionmaker.

(f) Agencies shall not commit resources prejudicing selection of alter-

natives before making a final decision (§ 1506.1).

(g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.

§ 1502.3 Statutory requirements for statements.

As required by sec. 102(2)(C) of NEPA environmental impact statements (§ 1508.11) are to be included in every recommendation or report.

On proposals (§ 1508.23).

For legislation and (§ 1508.17).

Other major Federal actions (§ 1508.18).

Significantly (§ 1508.27).

Affecting (§§ 1508.3, 1508.8).

The quality of the human environment (§ 1508.14).

§ 1502.4 Major Federal actions requiring the preparation of environmental impact statements.

(a) Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (§ 1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.

(b) Environmental impact statements may be prepared, and are sometimes required, for broad Federal actions such as the adoption of new agency programs or regulations (§ 1508.18). Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking.

(c) When preparing statements on broad actions (including proposals by more than one agency), agencies may find it useful to evaluate the proposal(s) in one of the following ways:

(1) Geographically, including actions occurring in the same general location, such as body of water, region, or metropolitan area.

(2) Generically, including actions which have relevant similarities, such

as common timing, impacts, alternatives, methods of implementation, media, or subject matter.

(3) By stage of technological development including federal or federally assisted research, development or demonstration programs for new technologies which, if applied, could significantly affect the quality of the human environment. Statements shall be prepared on such programs and shall be available before the program has reached a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

(d) Agencies shall as appropriate employ scoping (§ 1501.7), tiering (§ 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions and to avoid duplication and delay.

§ 1502.5 Timing.

An agency shall commence preparation of an environmental impact statement as close as possible to the time the agency is developing or is presented with a proposal (§ 1508.23) so that preparation can be completed in time for the final statement to be included in any recommendation or report on the proposal. The statement shall be prepared early enough so that it can serve practically as an important contribution to the decision-making process and will not be used to rationalize or justify decisions already made (§§ 1500.2(c), 1501.2, and 1502.2). For instance:

(a) For projects directly undertaken by Federal agencies the environmental impact statement shall be prepared at the feasibility analysis (go-no go) stage and may be supplemented at a later stage if necessary.

(b) For applications to the agency appropriate environmental assessments or statements shall be commenced no later than immediately after the application is received. Federal agencies are encouraged to begin preparation of such assessments or statements earlier, preferably jointly with applicable State or local agencies.

(c) For adjudication, the final environmental impact statement shall normally precede the final staff recommendation and that portion of the

public hearing related to the impact study. In appropriate circumstances the statement may follow preliminary hearings designed to gather information for use in the statements.

(d) For informal rulemaking the draft environmental impact statement shall normally accompany the proposed rule.

§ 1502.6 Interdisciplinary preparation.

Environmental impact statements shall be prepared using an interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts (section 102(2)(A) of the Act). The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process (§ 1501.7).

§ 1502.7 Page limits.

The text of final environmental impact statements (e.g., paragraphs (d) through (g) of § 1502.10) shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages.

§ 1502.8 Writing.

Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them. Agencies should employ writers of clear prose or editors to write, review, or edit statements, which will be based upon the analysis and supporting data from the natural and social sciences and the environmental design arts.

§ 1502.9 Draft, final, and supplemental statements.

Except for proposals for legislation as provided in § 1506.8 environmental impact statements shall be prepared in two stages and may be supplemented.

(a) Draft environmental impact statements shall be prepared in accordance with the scope decided upon in the scoping process. The lead agency shall work with the cooperating agencies and shall obtain comments as required in part 1503 of this chapter. The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements

§ 1502.10

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in section 102(2)(C) of the Act. If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action.

(b) Final environmental impact statements shall respond to comments as required in part 1503 of this chapter. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised.

(c) Agencies:

(1) Shall prepare supplements to either draft or final environmental impact statements if:

(i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

(2) May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.

(3) Shall adopt procedures for introducing a supplement into its formal administrative record, if such a record exists.

(4) Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft and final statement unless alternative procedures are approved by the Council.

§ 1502.10 Recommended format.

Agencies shall use a format for environmental impact statements which will encourage good analysis and clear presentation of the alternatives including the proposed action. The following standard format for environmental impact statements should be followed unless the agency determines that there is a compelling reason to do otherwise:

(a) Cover sheet.

(b) Summary.

(c) Table of contents.

(d) Purpose of and need for action.

(e) Alternatives including proposed action (sections 102(2)(C)(iii) and 102(2)(E) of the Act).

(f) Affected environment.

(g) Environmental consequences (especially sections 102(2)(C)(i), (ii), (iv), and (v) of the Act).

(h) List of preparers.

(i) List of Agencies, Organizations, and persons to whom copies of the statement are sent.

(j) Index.

(k) Appendices (if any).

If a different format is used, it shall include paragraphs (a), (b), (c), (h), (i), and (j), of this section and shall include the substance of paragraphs (d), (e), (f), (g), and (k) of this section, as further described in §§ 1502.11 through 1502.18, in any appropriate format.

§ 1502.11 Cover sheet.

The cover sheet shall not exceed one page. It shall include:

(a) A list of the responsible agencies including the lead agency and any cooperating agencies.

(b) The title of the proposed action that is the subject of the statement (and if appropriate the titles of related cooperating agency actions), together with the State(s) and county(ies) (or other jurisdiction if applicable) where the action is located.

(c) The name, address, and telephone number of the person at the agency who can supply further information.

(d) A designation of the statement as a draft, final, or draft or final supplement.

(e) A one paragraph abstract of the statement.

(f) The date by which comments must be received (computed in cooperation with EPA under § 1506.10).

The information required by this section may be entered on Standard Form 424 (in items 4, 6, 7, 10, and 18).

§ 1502.12 Summary.

Each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice

among alternatives). The summary will normally not exceed 15 pages.

§ 1502.13 Purpose and need.

The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.

§ 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (§1502.15) and the Environmental Consequences (§1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.

(d) Include the alternative of no action.

(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

§ 1502.15 Affected environment.

The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data

and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.

§ 1502.16 Environmental consequences.

This section forms the scientific and analytic basis for the comparisons under §1502.14. It shall consolidate the discussions of those elements required by sections 102(2)(C)(i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in §1502.14. It shall include discussions of:

(a) Direct effects and their significance (§1508.8).

(b) Indirect effects and their significance (§1508.8).

(c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See §1506.2(d).)

(d) The environmental effects of alternatives including the proposed action. The comparisons under §1502.14 will be based on this discussion.

(e) Energy requirements and conservation potential of various alternatives and mitigation measures.

(f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

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(g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(h) Means to mitigate adverse environmental impacts (if not fully covered under § 1502.14(f)).

[43 FR 55994, Nov. 29, 1978; 44 FR 873, Jan. 3, 1979]

§ 1502.17 List of preparers.

The environmental impact statement shall list the names, together with their qualifications (expertise, experience, professional disciplines), of the persons who were primarily responsible for preparing the environmental impact statement or significant background papers, including basic components of the statement (§§ 1502.6 and 1502.8). Where possible the persons who are responsible for a particular analysis, including analyses in background papers, shall be identified. Normally the list will not exceed two pages.

§ 1502.18 Appendix.

If an agency prepares an appendix to an environmental impact statement the appendix shall:

(a) Consist of material prepared in connection with an environmental impact statement (as distinct from material which is not so prepared and which is incorporated by reference (§ 1502.21)).

(b) Normally consist of material which substantiates any analysis fundamental to the impact statement.

(c) Normally be analytic and relevant to the decision to be made.

(d) Be circulated with the environmental impact statement or be readily available on request.

§ 1502.19 Circulation of the environmental impact statement.

Agencies shall circulate the entire draft and final environmental impact statements except for certain appendices as provided in § 1502.18(d) and unchanged statements as provided in § 1503.4(c). However, if the statement is unusually long, the agency may circulate the summary instead, except that the entire statement shall be furnished to:

(a) Any Federal agency which has jurisdiction by law or special expertise

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with respect to any environmental impact involved and any appropriate Federal, State or local agency authorized to develop and enforce environmental standards.

(b) The applicant, if any.

(c) Any person, organization, or agency requesting the entire environmental impact statement.

(d) In the case of a final environmental impact statement any person, organization, or agency which submitted substantive comments on the draft.

If the agency circulates the summary and thereafter receives a timely request for the entire statement and for additional time to comment, the time for that requestor only shall be extended by at least 15 days beyond the minimum period.

§ 1502.20 Tiering.

Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (§ 1508.28). Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action. The subsequent document shall state where the earlier document is available. Tiering may also be appropriate for different stages of actions. (Section 1508.28).

§ 1502.21 Incorporation by reference.

Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material

may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

§ 1502.22 Incomplete or unavailable information.

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

(a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.

(b) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impact statement:

(1) A statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific

evidence, is not based on pure conjecture, and is within the rule of reason.

(c) The amended regulation will be applicable to all environmental impact statements for which a Notice of Intent (40 CFR 1508.22) is published in the FEDERAL REGISTER on or after May 27, 1986. For environmental impact statements in progress, agencies may choose to comply with the requirements of either the original or amended regulation.

[51 FR 15625, Apr. 25, 1986]

§ 1502.23 Cost-benefit analysis.

If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. To assess the adequacy of compliance with section 102(2)(B) of the Act the statement shall, when a cost-benefit analysis is prepared, discuss the relationship between that analysis and any analyses of unquantified environmental impacts, values, and amenities. For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations. In any event, an environmental impact statement should at least indicate those considerations, including factors not related to environmental quality, which are likely to be relevant and important to a decision.

§ 1502.24 Methodology and scientific accuracy.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

§ 1502.25 Environmental review and consultation requirements.

(a) To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*), the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), and other environmental review laws and executive orders.

(b) The draft environmental impact statement shall list all Federal permits, licenses, and other entitlements which must be obtained in implementing the proposal. If it is uncertain whether a Federal permit, license, or other entitlement is necessary, the draft environmental impact statement shall so indicate.

(iii) Any agency which has requested that it receive statements on actions of the kind proposed.

Office of Management and Budget Circular A-95 (Revised), through its system of clearinghouses, provides a means of securing the views of State and local environmental agencies. The clearinghouses may be used, by mutual agreement of the lead agency and the clearinghouse, for securing State and local reviews of the draft environmental impact statements.

(3) Request comments from the applicant, if any.

(4) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

(b) An agency may request comments on a final environmental impact statement before the decision is finally made. In any case other agencies or persons may make comments before the final decision unless a different time is provided under § 1506.10.

PART 1503—COMMENTING

Sec.

- 1503.1 Inviting comments.
- 1503.2 Duty to comment.
- 1503.3 Specificity of comments.
- 1503.4 Response to comments.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 *et seq.*), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

SOURCE: 43 FR 55997, Nov. 29, 1978, unless otherwise noted.

§ 1503.1 Inviting comments.

(a) After preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:

(1) Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

(2) Request the comments of:

- (i) Appropriate State and local agencies which are authorized to develop and enforce environmental standards;
- (ii) Indian tribes, when the effects may be on a reservation; and

§ 1503.2 Duty to comment.

Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved and agencies which are authorized to develop and enforce environmental standards shall comment on statements within their jurisdiction, expertise, or authority. Agencies shall comment within the time period specified for comment in § 1506.10. A Federal agency may reply that it has no comment. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should reply that it has no comment.

§ 1503.3 Specificity of comments.

(a) Comments on an environmental impact statement or on a proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed or both.

(b) When a commenting agency criticizes a lead agency's predictive methodology, the commenting agency should describe the alternative methodology which it prefers and why.

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NATIONAL FOREST MANAGEMENT ACT REGULATIONS

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TITLE 36--PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter II--Forest Service, Department of Agriculture

Part 219--Planning

Subpart A--National Forest System Land and Resource Management Planning

219.1 Purpose and principles.

(a) The regulations in this subpart set forth a process for developing, adopting, and revising land and resource management plans for the National Forest System as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (hereafter, "RPA"). These regulations prescribe how land and resource management planning is to be conducted on National Forest System lands. The resulting plans shall provide for multiple use and sustained yield of goods and services from the National Forest System in a way that maximizes long term net public benefits in an environmentally sound manner.

(b) Plans guide all natural resource management activities and establish management standards and guidelines for the National Forest System. They determine resource management practices, levels of resource production and management, and the availability and suitability of lands for resource management. Regional and forest planning will be based on the following principles:

(b)(1) Establishment of goals and objectives for multiple-use and sustained-yield management of renewable resources without impairment of the productivity of the land;

(b)(2) Consideration of the relative values of all renewable resources, including the relationship of nonrenewable resources, such as minerals, to renewable resources;

(b)(3) Recognition that the National Forests are ecosystems and their management for goods and services requires and awareness and consideration of the interrelationships among plants, animals, soil, water, air, and other environmental factors within such ecosystems;

(b)(4) Protection and, where appropriate, improvement of the quality of renewable resources;

(b)(5) Preservation of important historic, cultural, and natural aspects of our national heritage;

(b)(6) Protection and preservation of the inherent right of freedom of American Indians to believe, express, and exercise their traditional religions;

- (b)(7) Provision for the safe use and enjoyment of the forest resources by the public;
- (b)(8) Protection, through ecologically compatible means, of all forest and rangeland resources from depredations by forest and rangeland pests;
- (b)(9) Coordination with the land and resource planning efforts of other Federal agencies, State and local governments, and Indian tribes;
- (b)(10) Use of a systematic, interdisciplinary approach to ensure coordination and integration of planning activities for multiple-use management;
- (b)(11) Early and frequent public participation;
- (b)(12) Establishment of quantitative and qualitative standards and guidelines for land resource planning and management;
- (b)(13) Management of National Forest System lands in a manner that is sensitive to economic efficiency; and
- (b)(14) Responsiveness to changing conditions of land and other resources and to changing social and economic demands of the American people.

219.2 Scope and applicability.

The regulations in this subpart apply to the National Forest System, which includes special areas, such as wilderness, with and scenic rivers, national recreation areas, and national trails. Whenever the special area authorities require additional planning, the planning process under this subpart shall be subject to those authorities.

- (a) Unless inconsistent with special area authorities, requirements for additional planning for special areas shall be met through plans required under this subpart.
- (b) If, in a particular case, special area authorities require the preparation of a separate special area plan, the direction in any such plan may be incorporated without modification in plans prepared under this subpart.

219.3 Definitions and terminology.

For purposes of this subpart the following terms, respectively, shall mean:

Allowable sale quantity: The quantity of timber that may be sold from the area of suitable land covered by the forest plan for a time period specified by the plan. This quantity is usually expressed on an annual basis as the "average annual allowable sale quantity."

Base sale schedule: A Timber sale schedule formulated on the basis that the quantity of timber planned for sale and harvest for any future decade is equal to or greater than the planned sale and harvest for the preceding decade, and this planned sale and harvest for any decade is not greater than the long-term sustained yield capacity.

Biological growth potential: The average net growth attainable in a fully stocked natural forest stand.

Capability: The potential of an area of land to produce resources, supply

goods and services, and allow resource uses under an assumed set of management practices and at a given level of management intensity. Capability depends upon current conditions and site conditions such as climate, slope, landform, soils, and geology, as well as the application of management practices, such as silviculture or protection from fire, insects, and disease.

Corridor: A linear strip of land identified for the present or future location of transportation or utility rights-of-way within its boundaries. **Cost efficiency:** The usefulness of specified inputs (costs) to produce specified outputs (benefits). In measuring cost efficiency, some outputs, including environmental, economic, or social impacts, are not assigned monetary values but are achieved at specified levels in the least cost manner. Cost efficiency is usually measured using present net value, although use of benefit-cost ratios and rates-of-return may be appropriate.

Diversity: The distribution and abundance of different plant and animal communities and species within the area covered by a land and resource management plan.

Even-aged management: The application of a combination of actions that results in the creation of stands in which trees of essentially the same age grow together. Managed even-aged forests are characterized by a distribution of stands of varying ages (and, therefore, tree sizes) throughout the forest area. The difference in age between trees forming the main canopy level of a stand usually does not exceed 20 percent of the age of the stand at harvest rotation age. Regeneration in a particular stand is obtained during a short period at or near the time that a stand has reached the desired age or size for regeneration and is harvested. Clearcut, shelterwood, or seed tree cutting methods produce even-aged stands.

Forestland: Land at least 10 percent occupied by forest trees of any size or formerly having had such tree cover and not currently developed for nonforest use. Lands developed for nonforest use include areas for crops, improved pasture, residential, or administrative areas, improved roads of any width, and adjoining road clearing and powerline clearing of any width.

Goal: A concise statement that describes a desired condition to be achieved sometime in the future. It is normally expressed in broad, general terms and is timeless in that it has no specific date by which it is to be completed. Goal statements form the principal basis from which objectives are developed.

Goods and services: The various outputs, including on-site uses, produced from forest and rangeland resources.

Integrated pest management: A process for selecting strategies to regulate forest pests in which all aspects of a pest-host system are studied and weighed. The information considered in selecting appropriate strategies includes the impact of the unregulated pest population on various resources values, alternative regulatory tactics and strategies, and benefit/cost estimates for these alternative strategies. Regulatory strategies are based on sound silvicultural practices and ecology of the pest-host system and consist of a combination of tactics such as timber stand improvement plus selective use of pesticides. A basic principle in the choice of strategy is that it be ecologically compatible or acceptable.

Long-term sustained-yield timber capacity: The highest uniform wood yield from lands being managed for timber production that may be sustained under a specified management intensity consistent with multiple-use objectives.

Management concern: An issue, problem, or a condition which constrains the range of management practices identified by the Forest Service in the planning process.

Management direction: A statement of multiple-use and other goals and objectives, the associated management prescriptions, and standards and guidelines for attaining them.

Management intensity: A management practice or combination of management practices and associated costs designed to obtain different levels of goods and services.

Management practice: A specific activity, measure, course of action, or treatment.

Management prescription: Management practices and intensity selected and scheduled for application on a specific area to attain multiple-use and other goals and objectives.

Multiple use: The management of all the various renewable surface resources of the National Forest System so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some lands will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

Net public benefits: An expression used to signify the overall long-term value to the nation of all outputs and positive effects (benefits) less all associated inputs and negative effects (costs) whether they can be quantitatively valued or not. Net public benefits are measured by both quantitative and qualitative criteria rather than a single measure or index. The maximization of net public benefits to be derived from management of units of the National Forest System is consistent with the principles of multiple use and sustained yield.

Objective: A concise, time-specific statement of measurable planned results that respond to pre-established goals. An objective forms the basis for further planning to define the precise steps to be taken and the resources to be used in achieving identified goals.

Planning area: The area of the National Forest System covered by a regional guide or forest plan.

Planning period: One decade. The time interval within the planning horizon that is used to show incremental changes in yields, costs, effects, and benefits.

Planning horizon: The overall time period considered in the planning process that spans all activities covered in the analysis or plan and all future conditions and effects of proposed actions which would influence the planning decisions.

Present net value: The difference between the disputed value (benefits) of all outputs to which monetary values or established market prices are assigned and the total discounted costs of managing the planning area.

Public issue: A subject or question of widespread public interest relating to management of the National Forest System.

Real dollar value: A monetary value which compensates for the effects of inflation.

Receipt shares: The portion of receipts derived from Forest Service resource management that is distributed to State and county governments, such as the Forest Service 25 percent fund payments.

Responsible line officer: The Forest Service employee who has the authority to select and/or carry out a specific planning action.

Sale schedule: The quantity of timber planned for sale by time period from an area of suitable land covered by a forest plan. The first period, usually a decade, of the selected sale schedule provides the allowable sale quantity. Future periods are shown to establish that long-term sustained yield will be achieved and maintained.

Silvicultural system: A management process whereby forests are tended, harvested, and replaced, resulting in a forest of distinctive form. Systems are classified according to the method of carrying out the fellings that remove the mature crop and provide for regeneration and according to the type of forest thereby produced.

Suitability: The appropriateness of applying certain resource management practices to a particular area of land, as determined by an analysis of the economic and environmental consequences and the alternative uses foregone. A unit of land may be suitable for a variety of individual or combined management practices.

Sustained-yield of products and services: The achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the National Forest System without impairment of the productivity of the land.

Timber production: The purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use. For purposes of this subpart, the term "timber production" does not include production of fuelwood.

Uneven-aged management: The application of a combination of actions needed to simultaneously maintain continuous high-forest cover, recurring regeneration of desirable species, and the orderly growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products. Cutting is usually regulated by specifying the number or proportion of trees of particular sizes to retain within each area, thereby maintaining a planned distribution of size classes. Cutting methods that develop and maintain uneven-aged stands are single-tree selection and group selection.

219.4 Planning levels.

(a) General guideline. Planning requires a continuous flow of information and management direction among the three Forest Service administrative levels: national, regional, and forest. Management direction shall: (1) Include requirements for analysis to determine programs that maximize net public benefits, consistent with locally derived information about production capabilities; (2) reflect production capabilities, conditions and circumstances observed at all levels; and (3) become increasingly specific as planning progresses from the national to the forest level. In this structure, regional planning is a principal process for conveying management direction from the national level to the forest level and for conveying information from forest level to the national level. The planning process is essentially iterative in that the information from the forest level flows up to the national level where in turn information in the RPA Program flows back to the forest level.

(b) Planning levels and relationships--

(b)(1) National. The Chief of the Forest Service shall develop the Renewable Resources Assessment and Program (hereafter, "RPA Assessment and RPA Program") according to Sections 3 and 4 of the RPA.

(b)(1)(i) RPA Assessment. The RPA Assessment shall include analysis of present and anticipated uses, demand for, and supply of the renewable resources of forest, range, and other associated lands with consideration of, and an emphasis on, pertinent supply, demand, and price relationship trends; an inventory of present and potential renewable resources and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government; a description of Forest Service programs and responsibilities in research, cooperative programs, and management of the National Forest System; and analysis of important policy issues and consideration of laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands. The RPA Assessment shall be based on the future capabilities of forest and rangelands and shall include information generated during the regional, forest, and other planning processes.

(b)(1)(ii) RPA Program. The RPA Program shall consider the costs of supply and the relative values of both market and nonmarket outputs. The alternatives considered shall include national renewable resource goals and quantified objectives for resource outputs and other benefits and shall be designed to represent a range of expenditure levels sufficient to demonstrate full opportunities for management. A portion of each national objective developed in the RPA Program shall be distributed to each region and be incorporated into each regional guide. Resource objectives shall be tentatively selected for each forest planning area. In formulating the objectives for each region and forest planning area, local supply capabilities and market conditions will be considered.

(b)(2) Regional. Each Regional Forester shall develop a regional guide. Regional guides shall establish regional standards and guidelines as required by s 219.9(a). Consistent with resource capabilities, regional guides shall reflect goals and objectives of the RPA Program. For planning purposes, the regional guides shall display tentative resource objectives for each Forest from the RPA Program. Regional guides shall also provide for general coordination of National Forest System, State and Private Forestry (S & PF), and Research programs. The Chief shall approve the regional guide. The Regional Forester may request adjustment of assigned regional objectives. Any adjustment shall require the approval of the Chief, Forest Service.

(b)(3) Forest. Each Forest Supervisor shall develop a forest plan for administrative units of the National Forest System. One forest plan may be prepared for all lands for which a Forest Supervisor has responsibility; or separate forest plans may be prepared for each National Forest, or combination of National Forests, within the jurisdiction of a single Forest Supervisor. A single forest plan may be prepared for the entire Tongass National Forest. These forest plans shall constitute the land and resource management plans as required under Sections 6 and 13 of the RPA. A range of resource objectives shall be formulated as alternatives and evaluated, including at least one alternative which responds to and incorporates the tentative RPA Program resource objectives displayed in the regional guide. Based on this evaluation, the Forest Supervisor shall recommend objectives for incorporation into the forest plan to the Regional Forester. The Regional Forester shall approve the forest plan. This approval may incorporate adjustment of the tentative RPA Program resource objectives displayed in the regional guide.

219.5 Interdisciplinary approach.

(a) A team representing several disciplines shall be used for regional and forest planning to insure coordinated planning of the various resources. Through interactions among its members, the team shall integrate knowledge of the physical, biological, economic and social sciences, and the environmental design arts in the planning

process. The team shall consider problems collectively, rather than separating them along disciplinary lines. Team functions include, but are not limited to--

- (a)(1) Assessing the problems and resource use and development opportunities associated with providing goods and services;
- (a)(2) Obtaining the public's views about possible decisions;
- (a)(3) Implementing the planning coordination activities within the Forest Service and with local, State and other Federal agencies;
- (a)(4) Developing a broad range of alternatives which identify the benefits and costs of land and resource management according to the planning process described in this subpart.
- (a)(5) Developing the land and resource management plan and associated environmental impact statement required pursuant to the planning process;
- (a)(6) Presenting to the responsible line officer an integrated perspective on land and resource management planning; and
- (a)(7) Establishing the standards and requirements by which planning and management activities will be monitored and evaluated.

(b) In appointing team members, the responsible line officer shall determine and consider the qualifications of each team member on the basis of the complexity of the issues and concerns to be addressed through the plan. The team shall collectively represent diverse specialized areas of professional and technical knowledge applicable to the planning area, and the team members shall have recognized relevant expertise and experience in professional, investigative, scientific, or other responsible work in specialty areas which they collectively represent. The team may consist of whatever combination of Forest Service staff and other Federal government personnel is necessary to achieve an interdisciplinary approach. The team is encouraged to consult other persons when required specialized knowledge does not exist within the team itself. In addition to technical knowledge in one or more resource specialties, members should possess other attributes which enhance the interdisciplinary process. As a minimum, these attributes should include--

- (b)(1) An ability to solve complex problems;
- (b)(2) Skills in communication and group interaction;
- (b)(3) Basic understanding of land and natural resource planning concepts, processes, and analysis techniques; and
- (b)(4) The ability to conceptualize planning problems and feasible solutions.

219.6 Public participation.

- (a) Because the land and resource management planning process determines how

the lands of the National Forest System are to be managed, the public is encouraged to participate throughout the planning process. The intent of public participation is to--

- (a)(1) Broaden the information base upon which land and resource management planning decisions are made;
 - (a)(2) Ensure that the Forest Service understands the needs, concerns, and values of the public;
 - (a)(3) Inform the public of Forest Service land and resource planning activities; and
 - (a)(4) Provide the public with an understanding of Forest Service programs and proposed actions.
- (b) Public participation in the preparation of environmental impact statements for planning begins with the publication of a notice of intent in the FEDERAL REGISTER. Public involvement in the preparation of draft and final environmental impact statements shall conform to the requirements of the National Environmental Policy Act and associated implementing regulations and Forest Service Manual and Handbook guidance (hereafter, "NEPA procedures"). Public comments shall be analyzed according to NEPA procedures.
- (c) Public participation activities, as deemed appropriate by the responsible line officer, shall be used early and often throughout the development of plans. Formal public participation activities will begin with a notice to the news media and other sources which includes, as appropriate, the following information:
- (c)(1) A description of the proposed planning action;
 - (c)(2) A description and map of the geographic area affected;
 - (c)(3) The issues expected to be discussed;
 - (c)(4) The kind, extent, and method(s) of public participation to be used;
 - (c)(5) The times, dates, and locations scheduled or anticipated, for public meetings;
 - (c)(6) The name, title, address, and telephone number of the Forest Service official who may be contacted for further information; and
 - (c)(7) The location and availability of documents relevant to planning process.
- (d) Public participation activities should be appropriate to the area and people involved. Means of notification should be appropriate to the level of planning. Public participation activities may include, but are not limited to, requests for written comments, meetings, conferences, seminars, workshops, tours, and similar events designed to foster public review and comment. The Forest Service shall state the objectives of each participation activity to assure that the public understands what type of information is needed and how this information relates to the planning process.
- (e) Public comments shall be considered individually and by type of group and organization to determine common areas of concern and geographic distribution. The result of this analysis should be evaluated to determine the variety and intensity of viewpoints about ongoing and proposed planning and management standards and guidelines.
- (f) All scheduled public participation activities shall be documented by a summary of the principal issues discussed, comments made, and a register of participants.

(g) At least 30 days' public notice shall be given for public participation activities associated with the development of regional guides and forest plans. Any notice requesting written comments on regional planning shall allow at least 60 calendar days for response. A similar request on forest planning shall allow at least 30 calendar days for response. Draft regional guides and forest plans and environmental impact statement shall be available for public comment for at least 3 months. See also ss 219.8(c) and 219.10(b).

(h) The responsible line officer shall attend, or provide for adequate representation at, public participation activities.

(i) Copies of approved guides and plans shall be available for public review

as follows:

(i)(1) The RPA Assessment and the RPA Program shall be available at national headquarters, The Northeastern Area State and Private Forestry Office, and all Regional offices, Research Stations, Forest Supervisors' offices, and District Rangers' offices;

(i)(2) The regional guides shall be available at national headquarters, the issuing regional office and regional offices of contiguous regions, each Forest Supervisor's office of forests within and contiguous to the issuing region, and each District Ranger's office in the region;

(i)(3) The forest plan shall be available at the regional office for the forest, the Forest Supervisor's office, Forest Supervisors' offices contiguous to the forest, District Rangers' offices within the forest, and at least one additional location, to be determined by the Forest Supervisor, which shall offer convenient access to the public. These documents may be made available at other locations convenient to the public.

(j) Documents considered in the development of plans shall be available at

the office where the plans were developed.

(k) 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 s 219.7(c). The responsible line officer may individually notify these owners of forest planning activities where it is determined that notice provided for the general public is not likely to reach the affected landowners.

(l) Fees for reproducing requested documents shall be charged according to the Secretary of Agriculture's Fee Schedule (7 CFR Part 1, Subpart A, Appendix A).

219.7 Coordination with other public planning efforts.

(a) 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.

(b) 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).

(c) The responsible line officers 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--

(c)(1) Consideration of the objectives of other Federal, State and local governments, and Indian tribes, as expressed in their plans and policies;

(c)(2) An assessment of the interrelated impacts of these plans and policies;

(c)(3) A determination of how each Forest Service plan should deal with the impacts identified; and,

(c)(4) Where conflicts with Forest Service planning are identified, consideration of alternatives for their resolution.

(d) 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.

(e) 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.

(f) 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.

219.8 Regional planning procedure.

(a) Regional guide. A regional guide shall be developed for each administratively designated Forest Service region. Regional guides shall reflect general coordination of National Forest System, State and Private Forestry, and Research programs. Regional guides shall provide standards and guidelines for addressing major issues and management concerns which need to be considered at the regional level to facilitate forest planning. Public participation and coordination, the current RPA Program and Assessment, and the existing forest and resource plans shall be used as sources of information in meeting this requirement. Data and information requirements established nationally will be followed in structuring and maintaining required data.

(b) Responsibilities--

(b)(1) Chief, Forest Service. The Chief shall establish agency-wide policy for regional planning and approve all regional guides.

(b)(2) Regional Forester. The Regional Forester has overall responsibility for preparing and implementing the regional guide and for preparing the environmental impact statement for proposed standards and guidelines in the regional guide. The Regional Forester appoints and supervises the interdisciplinary team.

(b)(3) Interdisciplinary Team. The team, under the direction of the Regional Forester, implements the public participation and coordination activities required by s 219.6 and s 219.7. The team shall continue to function even though membership may change and shall monitor and evaluate planning results and recommend amendments. The team shall develop a regional guide in compliance with NEPA procedures.

(c) Public review. A draft and final environmental impact statement shall be prepared for the proposed standards and guidelines in the regional guide according to NEPA procedures. To the extent feasible, a single process shall be used to meet planning and NEPA requirements. The draft statement shall identify a preferred alternative. Beginning on the date of publication of the notice of availability of the draft environmental impact statement in the FEDERAL REGISTER, the statement and the proposed guide shall be available for public comment for at least 3 months at convenient locations in the vicinity of the lands covered by the guide. During this period, and in accordance with the provisions in s 219.6, the Regional Forester or his designee shall publicize and hold public participation activities as deemed necessary for adequate public input.

(d) Guide approval. The Chief shall review the proposed guide and the final environmental impact statement and either approve or disapprove the guide.

(d)(1) Approval. The Chief shall prepare a concise public record of decision which documents approval and accompanies the regional guide and the final environmental impact statement. The record or decision shall be prepared according to NEPA procedures (40 CFR 1505.2). The approved regional guide shall not become effective until at least 30 days after publication of the notice of availability of the final environmental impact statement in the FEDERAL REGISTER.

(d)(2) Disapproval. The Chief shall return the regional guide and final environmental impact statement to the Regional Forester with a written statement of the reasons for disapproval. The Chief may also specify a course of action to be undertaken by the Regional Forester in order to remedy deficiencies, errors, or omissions in the regional guide or environmental impact statement.

(e) Public appeal of approval decisions. The provisions of 36 CFR 211, Subpart B apply to any administrative appeal of the Chief's decision to approve a regional guide. Decisions to disapprove a guide and other decisions made during the regional planning process prior to issuance of a record of decision approving the guide are not subject to administrative appeal.

(f) Amendment. The Regional Forester may amend the regional guide. The Regional Forester shall determine whether the proposed amendment would result in a significant change in the guide. If the change resulting from the proposed amendment is determined to be significant, the Regional Forester shall follow the same procedure for amendment as that required for development and approval of a regional guide. If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Regional Forester may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures.

(g) Planning records. The Regional Forester shall develop and maintain planning records that document decisions and activities that result from the process of developing a regional guide and the accomplishment of legal and administrative planning requirements. These records include at least the draft environmental impact statement, final environmental impact statement, regional guide, record of decision, a work plan to guide and manage planning, the procedures used in completing each action, and the results of these actions.

219.9 Regional guide content.

(a) The regional guide shall contain--

(a)(1) A summary of the analysis of the regional management situation, including a brief description of the existing management situation and the major issues and management concerns which need to be addressed at the regional level to facilitate forest planning;

(a)(2) A description of management direction including programs, goals, and objectives;

(a)(3) A display of tentative resource objectives for each forest planning area from the current RPA Program;

(a)(4) New or significantly changed regional management standards and guidelines necessary to address major regional issues and management concerns identified in paragraph (a)(1) of this section;

(a)(5) Specific standards and guidelines for the following--

(a)(5)(i) Prescribing appropriate harvest cutting methods to be used within the region according to geographic areas, forest types, or other suitable classifications;

(a)(5)(ii) Establishing the maximum size, dispersal, and size variation of tree openings created by even-aged management, and the state of vegetation that will be reached before a cut-over area is no longer considered an opening, using factors enumerated in s 219.27(d);

(a)(5)(iii) Defining the management intensities and utilization standards to be used in determining harvest levels for the region;

(a)(5)(iv) Designating transportation corridors and associated direction for forest planning, such as management requirements for corridors, transmission lines, pipelines, and water canals. (The designation of corridors is not to preclude the granting of separate rights-of-way over, upon, under, or through the Federal lands where the authorized line officer determines that confinement to a corridor is not appropriate.) (43 U.S.C. 1763, 36 CFR 251.56); and

(a)(5)(v) Identifying in forest plans significant current and potential air pollution emissions from management activities and from other sources in and around the forest planning area and identifying measures needed to coordinate air quality control with appropriate air quality regulation agencies.

(a)(6) A description of the monitoring and evaluation necessary to determine and report achievements and effects of the guide.

(a)(7) A description of measures to achieve coordination of National Forest System, State and Private Forestry, and Research programs.

(b) Existing regional standards and guidelines that are part of the Forest Service directives system, and that are not altered or superseded in the course of complying with s 219.9(a)(4), shall remain in effect.

219.10 Forest planning--general procedure.

(a) Responsibilities--

(a)(1) Regional Forester. The Regional Forester shall establish regional policy for forest planning and approve all forest plans in the region.

(a)(2) Forest Supervisor. The Forest Supervisor has overall responsibility for the preparation and implementation of the forest plan and preparation of the environmental impact statement for the forest plan. The Forest Supervisor appoints and supervises the interdisciplinary team.

(a)(3) Interdisciplinary team. The team, under the direction of the Forest Supervisor, implements the public participation and coordination activities required by s 219.6 and s 219.7. The team shall continue to function even though membership may change and shall monitor and evaluate planning results and recommend revisions and amendments. The interdisciplinary team shall develop a forest plan and environmental impact statement using the process established in s 219.12 and paragraph (b) below.

(b) Public review of plan and environmental impact statement. A draft and final environmental impact statement shall be prepared for the proposed plan according to the NEPA procedures. The draft environmental impact statement shall identify a preferred alternative. To comply with 16 U.S.C. 1604(d), the draft environmental impact statement and proposed plan shall be available for public comment for at least 3 months, at convenient locations in the vicinity of the lands covered by the plan, beginning on the date of the publication of the notice of availability in the FEDERAL REGISTER. During this period, and in accordance with the provisions in s 219.6, the Forest Supervisor shall publicize and hold public participation activities as deemed necessary to obtain adequate public input.

(c) Plan approval. The Regional Forester shall review the proposed plan and the final environmental impact statement and either approve or disapprove the plan.

(c)(1) Approval. The Regional Forester shall prepare a concise public record of decision which documents approval and accompanies the plan and final environmental impact statement. The record of decision shall be prepared according to NEPA procedures (40 CFR 1505.2). The approved plan shall not become effective until at least 30 days after publication of the notice of availability of the final environmental impact statement in the FEDERAL REGISTER, to comply with 16 U.S.C. 1604(d) and 1604(j).

(c)(2) Disapproval. The Regional Forester shall return the plan and final environmental impact statement to the Forest Supervisor with a written statement of the reasons for disapproval. The Regional Forester may also specify a course of action to be undertaken by the Forest Supervisor in order to remedy deficiencies, errors, or omissions in the plan or environmental impact statement.

(d) Public appeal of approval decision. The provisions of 36 CFR Part 211, Subpart B apply to any administrative appeal of the Regional Forester's decision to approve a forest plan. Decisions to disapprove a plan and other decisions made during the forest planning process prior to the issuance of a record of decision approving the plan are not subject to administrative appeal.

(e) Plan implementation. As soon as practicable after approval of the plan, the Forest Supervisor shall ensure that, subject to valid existing rights, all outstanding and future permits, contracts, cooperative agreements, and other instruments for occupancy and use of affected lands are consistent with the plan. Subsequent administrative activities affecting such lands, including budget proposals, shall be based on the plan. The Forest Supervisor may change proposed implementation schedules to reflect differences between proposed annual budgets and appropriated funds. Such scheduled changes shall be considered an amendment to the forest plan, but shall not be considered a significant amendment, or require the preparation of an environmental impact statement, unless the changes significantly alter the long-term relationship between levels of multiple-use goods and services projected under planned budget proposals as compared to those projected under actual appropriations.

(f) Amendment. The Forest Supervisor may amend the forest plan. Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan. If the change resulting from the proposed amendment is determined to be significant, the Forest Supervisor shall follow the same procedure as that required for development and approval of a forest plan. If the change resulting from the amendment is determined not to be significant for the purposes of the planning process, the Forest Supervisor may implement the amendment following appropriate public notification and satisfactory completion of NEPA procedures.

(g) Revision. A forest plan shall ordinarily be revised on a 10-year cycle or at least every 15 years. It also may be revised whenever the Forest Supervisor determines that conditions or demands in the area covered by the plan have changed significantly or when changes in RPA policies, goals, or objectives would have a significant effect on forest level programs. In the monitoring and evaluation process, the interdisciplinary team may recommend a revision of the forest plan at any time. Revisions are not effective until considered and approved in accordance with the requirements for the development and approval of a forest plan. The Forest Supervisor shall review the conditions on the land covered by the plan at least every 5 years to determine whether conditions or demands of the public have change significantly.

(h) Planning records. The Forest Supervisor and interdisciplinary team shall develop and maintain planning records that document the decisions and activities that result from the process of developing a forest plan. Records that support analytical conclusions made and alternatives considered by the team and approved by the Forest Supervisor throughout the planning process shall be maintained. Such supporting records provide the basis for the development of the forest plan and associated documents required by NEPA procedures.

219.11 Forest plan content.

The forest plan shall contain the following:

(a) A brief summary of the analysis of the management situation, including demand and supply conditions for resource commodities and services, production potentials, and use and development opportunities;

(b) Forest multiple-use goals and objectives that include a description of the desired future condition of the forest or grassland and an identification of the quantities of goods and services that are expected to be produced or provided during the RPA planning periods;

(c) Multiple-use prescriptions and associated standards and guidelines for each management area including proposed and probable management practices such as the planned timber sale program; and

(d) Monitoring and evaluation requirements that will provide a basis for a periodic determination and evaluation of the effects of management practices.

219.12 Forest planning--process.

(a) General requirements. The preparation, revision, or significant amendment of a forest plan shall comply with the requirements established in this section. The planning process includes at least those actions set forth in paragraphs (b) through (k) of the section. Some actions may occur simultaneously, and it may be necessary to repeat an action as additional information becomes available. The environmental impact statement for each forest plan shall be prepared according to NEPA procedures. To the extent feasible, a single process shall be used to meet planning and NEPA requirements.

(b) Identification of purpose and need. The interdisciplinary team shall identify and evaluate public issues, management concerns, and resource use and development opportunities, including those identified throughout the planning process during public participation activities and coordination with other Federal agencies, State and local governments, and Indian tribes. The Forest Supervisor shall determine the major public issues, management concerns, and resource use and development opportunities to be addressed in the planning process.

(c) Planning criteria. Criteria shall be prepared to guide the planning process. Criteria apply to collection and use of inventory data and information, analysis of the management situation, and the design, formulation, and evaluation of alternatives. Criteria designed to achieve the objective of maximizing net public benefits shall be included. Specific criteria may be derived from--

(c)(1) Laws, Executive Orders, regulations, and agency policy as set forth in the Forest Service Manual;

(c)(2) Goals and objectives in the RPA Program and regional guides;

(c)(3) Recommendations and assumptions redeveloped from public issues, management concerns, and resource use and development opportunities;

(c)(4) The plans and programs of other Federal agencies, State and local governments, and Indian tribes;

(c)(5) Ecological, technical, and economic factors; and

(c)(6) The resource integration and management requirements in ss 219.13 through 219.27.

(d) Inventory data and information collection. Each Forest Supervisor shall obtain and keep current inventory data appropriate for planning and managing the resources under his or her administrative jurisdiction. The Supervisor will assure that the interdisciplinary team has access to the best available data. This may require that special inventories or studies be prepared. The interdisciplinary team shall collect, assemble, and use data, maps, graphic material, and explanatory aids, of a kind, character, and quality, and to the detail appropriate for the management decisions to be made. Data and information needs may vary as planning problems develop from identification of public issues, management concerns, and resource use and development opportunities. Data shall be stored for ready retrieval and comparison and periodically shall be evaluated for accuracy and effectiveness. The interdisciplinary team will use common data definitions and standards established by the Chief of the Forest Service to assure uniformity of information between all planning levels. As information is recorded, it shall be applied in any subsequent planning process. Information developed according to common

data definitions and standards shall be used in the preparation of the 1990, and subsequent RPA Assessments and RAP Programs.

(e) Analysis of the management situation. The analysis of the management situation is a determination of the ability of the planning area covered by the forest plan to supply goods and services in response to society's demands. The primary purpose of this analysis is to provide a basis for formulating a broad range of reasonable alternatives. The analysis may examine the capability of the unit to supply outputs both with and without legal and other requirements. As a minimum, the analysis of the management situation shall include the following:

(e)(1) Benchmark analyses to define the range within which alternatives can be constructed. Budgets shall not be a constraint. The following benchmark analyses shall be consistent with the minimum applicable management requirements of s 219.27 and shall define at least--

(e)(1)(i) The minimum level of management which would be needed to maintain and protect the unit as part of the National Forest System together with associated costs and benefits;

(e)(1)(ii) The maximum physical and biological production potentials of significant individual goods and services together with associated costs and benefits;

(e)(1)(iii) Monetary benchmarks which estimate the maximum present net value of those resources having an established market value or an assigned value;

(e)(1)(iii)(A) For forest planning areas with major resource outputs that have an established market price, monetary benchmarks shall include an estimate of the mix of resource uses, combined with a schedule of outputs and costs, which will maximize the present net value of those major outputs that have an established market price;

(e)(1)(iii)(B) For all forest planning areas, monetary benchmarks shall include an estimate of the mix of resource uses, combined with a schedule of outputs and costs, which will maximize the present net value of those major outputs that have an established market price or are assigned a monetary value;

(e)(1)(iii)(C) For forest planning areas with a significant timber resource, estimates for paragraphs (e)(1)(iii)(A) and (B) of this section shall be developed both with and without meeting the requirements for compliance with a base sale schedule of timber harvest, as described in s 219.16(a)(1), and with and without scheduling the harvest of even-aged stands generally at or beyond culmination of mean annual increment of growth, as described in s 219.16(a)(2)(iii).

(e)(1)(iii)(D) Estimates for paragraphs (e)(1)(iii)(A) and (B) of this section shall be developed both with and without other constraints when needed to address major public issues, management concerns, or resource opportunities identified during the planning process.

(e)(2) The current level of goods and services provided by the unit and the most likely amount of goods and services expected to be provided in the future if current management direction continues; this will be the same analysis as that required by s 219.12(f)(5).

(e)(3) Projections of demand using best available techniques, with both price and nonprice information. To the extent practical, demand will be assessed as price-quantity relationships.

(e)(4) A determination of the potential to resolve public issues and management concerns.

(e)(5) Based on consideration of data and findings developed in paragraphs (e)(1)-(e)(4)(4), a determination of the need to establish or change management direction.

(f) Formulation of alternatives. The interdisciplinary team shall formulate a broad range of reasonable alternatives according to NEPA procedures. The primary goal in formulating alternatives, besides complying with NEPA procedures, is to provide an adequate basis for identifying the alternative that comes nearest to maximizing net public benefits, consistent with the resource integration and management requirements of ss 219.13 through 219.27.

(f)(1) Alternatives shall be distributed between the minimum resource potential and the maximum resource potential to reflect to the extent practicable the full range of major commodity and environmental resource uses and values that could be produced from the forest. Alternatives shall reflect a range of resource outputs and expenditure levels.

(f)(2) Alternatives shall be formulated to facilitate analysis of opportunity costs and of resource use and environmental trade-offs among alternatives and between benchmarks and alternatives.

(f)(3) Alternatives shall be formulated to facilitate evaluation of the effects on present net value, benefits, and costs of achieving various outputs and values that are not assigned monetary values, but that are provided at specified levels.

(f)(4) Alternatives shall provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during the planning process.

(f)(5) Reasonable alternatives which may require a change in existing law or policy to implement shall be formulated if necessary to address a major public issue, management concern, or resource opportunity identified during the planning process (40 CFR 1501.7, 1502.14(c)).

(f)(6) At least one alternative shall be developed which responds to and incorporates the RPA Program tentative resource objectives for each forest displayed in the regional guide.

(f)(7) At least one alternative shall reflect the current level of goods and services provided by the unit and the most likely amount of goods and services expected to be provided in the future if current management direction continues. Pursuant to NEPA procedures, this alternative shall be deemed the "no action" alternative.

(f)(8) Each alternative shall represent to the extent practicable the most cost efficient combination of management prescriptions examined that can meet the objectives established in the alternative.

(f)(9) Each alternative shall state at least--

(f)(9)(i) The condition and uses that will result from long-term application of the alternative;

(f)(9)(ii) The goods and services to be produced, the timing and flow of these resource outputs together with associated costs and benefits;

(f)(9)(iii) Resource management standards and guidelines; and

(f)(9)(iv) The purposes of the management direction proposed.

(g) Estimated effects of alternatives. The physical, biological, economic, and social effects of implementing each alternative considered in detail shall be estimated and compared according to NEPA procedures. These effects include those described in NEPA procedures (40 CFR 1502.14 and 1502.16) and at least the following:

(g)(1) The expected outputs for the planning periods, including appropriate marketable goods and services, as well as nonmarket items, such as recreation and wilderness use, wildlife and fish, protection and enhancement of soil, water, and air, and preservation of aesthetic and cultural resource values;

(g)(2) The relationship of expected outputs to the RPA Program tentative resource objectives for the forest displayed in the current regional guide;

(g)(3) Direct and indirect benefits and costs, analyzed in sufficient detail to estimate--

(g)(3)(i) the expected real-dollar costs (discounted when appropriate), including investment, administrative, and operating costs of the agency and all other public and private costs required to manage the forest up to the point where the outputs are valued and the environmental consequences are realized;

(g)(3)(ii) the expected real-dollar value (discounted when appropriate) of all outputs attributable to each alternative to the extent that monetary values can be assigned to nonmarket goods and services, using quantitative and qualitative criteria when monetary values may not reasonably be assigned;

(g)(3)(iii) the economic effects of alternatives, including impacts on present net value, total receipts to the Federal Government, direct benefits to users that are not measured in receipts to the Federal Government, receipt shares to State and local governments, income, and employment in affected areas; and

(g)(3)(iv) the monetary opportunity costs (changes in present net value) associated with those management standards and resource outputs in each alternative that were not assigned monetary values but were provided at specified levels, compared with the maximum present net value benchmarks developed in s 219.12(e)(1)(iii).

(g)(4) The significant resource tradeoffs and opportunity costs associated with achieving alternative resource objectives.

(h) Evaluation of alternatives: Using planning criteria, the interdisciplinary team shall evaluate the significant physical, biological, economic, and social effects of each management alternative that is considered in detail. The evaluation shall include a comparative analysis of the aggregate effects of the management alternatives and shall compare present net value, social and economic impacts, outputs of goods and services, and overall protection and enhancement of environmental resources.

(i) Preferred alternative recommendation. The Forest Supervisor shall review the interdisciplinary team's evaluation and shall recommend to the Regional Forester a preferred alternative to be identified in the draft environmental impact statement and displayed as the proposed plan.

(j) Plan approval. The Regional Forester shall review the proposed plan and final environmental impact statement and either approve or disapprove the plan in accordance with s 219.10(c). The record of decision for approval of a plan shall include, in addition to the requirements of NEPA procedures (40 CFR 1505.2), a summarized comparison of the selected alternative with:

(j)(1) Any other alternative considered which is environmentally preferable to the selected alternative; and

(j)(2) Any other alternative considered which comes nearer to maximizing present net value.

(k) Monitoring and evaluation. At intervals established in the plan, implementation shall be evaluated on a sample basis to determine how well objectives have been met and how closely management standards and guidelines have been applied. Based upon this evaluation, the interdisciplinary team shall recommend to the Forest Supervisor such changes in management direction, revisions, or amendments to the forest plan as are deemed necessary. Monitoring requirements identified in the forest plan shall provide for--

(k)(1) A quantitative estimate of performance comparing outputs and services with those projected by the forest plan;

(k)(2) Documentation of the measured prescriptions and effects, including significant changes in productivity of the land; and

(k)(3) Documentation of costs associated with carrying out the planned management prescriptions as compared with costs estimated in the forest plan.

(k)(4) A description of the following monitoring activities:

(k)(4)(i) The actions, effects, or resources to be measured, and the frequency of measurements;

(k)(4)(ii) Expected precision and reliability of the monitoring process; and

(k)(4)(iii) The time when evaluation will be reported.

(k)(5) A determination of compliance with the following standards:

(k)(5)(i) Lands are adequately restocked as specified in the forest plan;

(k)(5)(ii) Lands identified as not suited for timber production are examined at least every 10 years to determine if they have become suited; and that, if determined suited, such lands are returned to timber production;

(k)(5)(iii) Maximum size limits for harvest areas are evaluated to determine whether such size limits should be continued; and

(k)(5)(iv) Destructive insects and disease organisms do not increase to potentially damaging levels following management activities.

219.13 Forest planning--resource integration requirements.

The minimum requirements for integrating individual forest resource planning into the forest plan are established in ss 219.14 through 219.26 of this subpart. For the purposes of meeting the requirements of s 219.12(c), additional planning criteria may be found in the guidelines for managing specific resources set forth in the Forest Service Manual and Handbooks.

219.14 Timber resource land suitability.

During the forest planning process, lands which are not suited for timber production shall be identified in accordance with the criteria in paragraphs (a) through (d) of this section.

(a) During the analysis of the management situation, data on all National Forest System lands within the planning area shall be reviewed, and those lands within any one of the categories described in paragraphs (a)(1) through (4) of this section shall be identified as not suited for timber production--

(a)(1) The land is not forest land as defined in s 219.3.

(a)(2) Technology is not available to ensure timber production from the land without irreversible resource damage to soils productivity, or watershed conditions.

(a)(3) There is no reasonable assurance that such lands can be adequately restocked as provided in s 219.27(c)(3).

(a)(4) The land has been withdrawn from timber production by an Act of Congress, the Secretary of Agriculture or the Chief of the Forest Service.

(b) Forest lands other than those that have been identified as not suited for timber production in paragraph (a) of this section shall be further reviewed and assessed prior to formulation of alternatives to determine the costs and benefits for a range of management intensities for timber production. For the purpose of analysis, the planning area shall be stratified into categories of land with similar management costs and returns. The stratification should consider appropriate factors that influence the costs and returns such as physical and biological conditions of the site and transportation requirements. This analysis shall identify the management intensity for timber production for each category of land which results in the largest excess of discounted benefits less discounted costs and shall compare the direct costs of growing and harvesting trees, including capital expenditures required for timber production, to the anticipated receipts to the government, in accordance with s 219.12 and paragraphs (b)(1) through (b)(3) of this section.

(b)(1) Direct benefits are expressed as expected gross receipts to the government. Such receipts shall be based upon expected stumpage prices and payments-in-kind from timber harvest considering future supply and demand situation for timber and upon timber production goals of the regional guide.

(b)(2) Direct costs include the anticipated investments, maintenance, operating, management, and planning costs attributable to timber production activities, including mitigation measures necessitated by the impacts of timber production.

(b)(3) In addition to long-term yield, the financial analysis must consider costs and returns of managing the existing timber inventory.

(c) During formulation and evaluation of each alternative as required in s 219.12(f) and (g), combinations of resource management prescriptions shall be defined to meet management objectives for the various multiple uses including outdoor recreation, timber, watershed, range, wildlife and fish, and wilderness. The formulation shall evaluate each alternative shall consider the costs and benefits of alternative management intensities for timber production as identified pursuant to paragraph (b) of this section in accordance with s 219.12(f). Lands shall be tentatively identified as not appropriate for timber production to meet objectives of the alternative being considered if--

(c)(1) Based upon a consideration of multiple-use objectives for the alternative, the land is proposed for resource uses that preclude timber production, such as wilderness;

(c)(2) Other management objectives for the alternative limit timber production activities to the point where management requirements set forth in s 219.27 cannot be met; or

(c)(3) The lands are not cost-efficient, over the planning horizon, in meeting forest objectives, which include timber production.

(d) Lands identified as not suited for timber production in paragraph (a) of this section and lands tentatively identified as not appropriate for timber production in paragraph (c) of this section shall be designated as not suited for timber production in the preferred alternative. Designation in the plan of lands not suited for timber production shall be reviewed at least every 10 years. Such lands may be reviewed and redesignated as suited for timber production due to changed conditions at any time, according to the criteria in paragraphs (a) and (c) of this section, and according to the procedures for amendment or revision of the forest plan in s 219.10(f) and (g).

219.15 Vegetation management practices.

When vegetation is altered by management, the methods, timing, and intensity of the practices determine the level of benefits that can be obtained from the affected resources. The vegetation management practices chosen for each vegetation type and circumstance shall be defined in the forest plan with applicable standards and guidelines and the reasons for the choices. Where more than one vegetation management practice will be used in a vegetation type, the conditions under which each will be used shall be based upon thorough reviews of technical and scientific literature and practical experience, with appropriate evaluation of this knowledge for relevance to the specific vegetation and site conditions. On National Forest System land, the vegetation management practice chosen shall comply with the management requirements in s 219.27(b).

219.16 Timber resource sale schedule.

In a forest plan, the selected forest management alternative includes a sale schedule which provides the allowable sale quantity. The sale schedule of each alternative, including those which depart from base sale schedules, shall be formulated in compliance with s 219.12(f) and paragraphs (a) and (b) of this section.

(a) Alternatives shall be formulated that include determinations of the quantity of the timber that may be sold during each decade. These quantity determinations shall be based on the principle of sustained yield and shall meet the management requirements in s 219.27. For each alternative, the determination shall include a calculation of the long-term sustained-yield capacity and the base sale schedule and, when appropriate, a calculation of timber sale alternatives that may depart from the base sale schedule as provided in paragraphs (a)(1) through (a)(3) of this section.

(a)(1) For the base sale schedules, the planned sale for any future decade shall be equal to, or greater than, the planned sale for the preceding decade, provided that the planned sale is not greater than the long-term sustained-yield capacity consistent with the management objectives of the alternative.

(a)(2) The determinations of the appropriate long-term sustained-yield capacities, base sale schedules, and departure alternatives to the base sale schedules shall be made on the basis of the guidelines which follow:

(a)(2)(i) For the long-term sustained-yield capacities and the base sale schedules, assume intensities of management and degree of timber utilization consistent with the goals, assumptions, and requirements contained in, or used in, the preparation of the current RPA Program and regional guide. For the base sale schedule, the management and utilization assumptions shall reflect the projected changes in practices for the four decades contained in, or used in, the preparation of the current RPA Program and regional guide. Beyond the fourth decade, the assumptions shall reflect those projected for the fourth decade of the current RPA Program, unless there is a basis for a different assumption;

(a)(2)(ii) For alternatives with sale schedules which depart from the corresponding base sale schedule, assume an appropriate management intensity;

(a)(2)(iii) In accordance with the established standards, assure that all even-aged stands scheduled to be harvested during the planning period will generally have reached the culmination of mean annual increment of growth. Mean annual increment shall be based on expected growth, according to management intensities and utilization standards assumed in paragraphs (a)(2)(i) and (ii) of this section and on forest type and site quality. Mean annual increment shall be expressed in cubic measure. Alternatives which incorporate exceptions to these standards shall be evaluated if it is reasonable to expect that overall multiple use objectives would be better attained. Alternatives which incorporate exceptions to these standards are permitted for the use of sound silvicultural practices, such as thinning or other stand improvement measures; for salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack; for cutting for experimental and research purposes; or for removing particular species of trees, after consideration has been given to the multiple uses of the area being planned and after completion of the public participation process applicable to the preparation of a forest plan; and

(a)(2)(iv) Each sale schedule shall provide for a forest structure that will enable perpetual timber harvest which meets the principle of sustained-yield and multiple-use objectives of the alternative.

(a)(3) Alternatives with sale schedules which depart from the principles of paragraph (a)(1) of this section and which will lead to better attaining the overall objectives of multiple-use management shall be evaluated when any of the following conditions are indicated:

(a)(3)(i) None of the other alternatives considered provides a sale schedule that achieves the assigned goals of the RPA Program as provided in s 219.4(b);

(a)(3)(ii) High mortality losses from any cause can be significantly reduced or prevented or forest age-class distribution can be improved, thereby facilitating future sustained-yield management; or

(a)(3)(iii) Implementation of the corresponding base sale schedule would cause a substantial adverse impact upon a community in the economic area in which the forest is located.

(a)(3)(iv) It is reasonable to expect that overall multiple-use objectives would otherwise be better attained.

(b) The sale schedule of the management alternative selected in accordance with s 219.12 provides the allowable sale quantity for the first plan period.

219.17 Evaluation of roadless areas.

(a) Unless otherwise provided by law, roadless areas within the National Forest System shall be evaluated and considered for recommendation as potential wilderness areas during the forest planning process, as provided in paragraphs (a)(1) and (a)(2) of this section.

(a)(1) During analysis of the management situation, the following areas shall be subject to evaluation:

(a)(1)(i) Roadless areas including those previously inventoried in the second roadless area review and evaluation (RARE II), in a unit plan, or in a forest plan, which remain essentially roadless and undeveloped, and which have not yet been designated as wilderness or for now wilderness uses by law. In addition, other essentially roadless areas may be subject to evaluation at the discretion of the Forest Supervisor.

(a)(1)(ii) Areas contiguous to existing wilderness, primitive areas, or administratively proposed wildernesses, regardless of which agency has jurisdiction for the wilderness or proposed wilderness;

(a)(1)(iii) Areas that are contiguous to roadless and undeveloped areas in other Federal ownership that have identified wilderness potential; and

(a)(1)(iv) Areas designated by Congress for wilderness study, administrative proposals pending before Congress, and other legislative proposals pending which have been endorsed by the President.

(a)(2) For each area subject to evaluation under paragraph (a)(1) of this section, the determination of the significant resource issues, which in turn affect the detail and scope of evaluation required by the Forest Service, shall be developed with public participation. As a minimum, the evaluation shall include consideration of:

(a)(2)(i) The values of the area as wilderness;

(a)(2)(ii) The values foregone and effects on management of adjacent lands as a consequence of wilderness designation;

(a)(2)(iii) Feasibility of management as wilderness, in respect to size, nonconforming use, land ownership patterns, and existing contractual agreements or statutory rights;

(a)(2)(iv) Proximity to other designated wilderness and relative contribution to the National Wilderness Preservation System; and

(a)(2)(v) The anticipated long-term changes in plant and animal species diversity, including the diversity of natural plant and animal communities of the forest planning area and the effects of such changes on the values for which wilderness areas were created.

219.18 Wilderness management.

Forest planning shall provide direction for the management of designated wilderness and primitive areas in accordance with the provisions of 36 CFR Part 293. In particular, plans shall--

(a) Provide for limiting and distributing visitor use of specific areas in accord with periodic estimates of the maximum level of use that allow natural processes to operate freely and that do not impair the values for which wilderness areas were created; and

(b) Evaluate the extent to which wildfire, insect, and disease control measures may be desirable for protection of either the wilderness or adjacent areas and provide for such measures when appropriate.

219.19 Fish and wildlife resource.

Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.

(a) Each alternative shall establish objectives for the maintenance and improvement of habitat for management indicator species selected under paragraph (g)(1) of this section, to the degree consistent with overall multiple use objectives of the alternative. To meet this goal, management planning for the fish and wildlife resources shall meet the requirements set forth in paragraphs (a)(1) through (a)(7) of this section.

(a)(1) In order to estimate the effects of each alternative on fish and wildlife populations, certain vertebrate and/or invertebrate species present in the area shall be identified and selected as management indicator species and the reasons for their selection will be stated. These species shall be selected because their population changes are believed to indicate the effects of management activities. In the selection of management indicator species, the following categories shall be represented where appropriate: Endangered and threatened plant and animal species identified on State and Federal lists for the planning area; species with special habitat needs that may be influenced significantly by planned management programs; species commonly hunted, fished, or trapped; non-game species of special interest; and additional plant or animal species selected because their population changes are believed to indicate the effects of management activities on other species of selected major biological communities or on water quality. On the basis of available scientific information, the interdisciplinary team shall estimate the effects of changes in vegetation type, timber age classes, community composition, rotation age, and year-long suitability of habitat related to mobility of management indicator species. Where appropriate, measures to mitigate adverse effects shall be prescribed.

(a)(2) Planning alternatives shall be stated and evaluated in terms of both amount and quality of habitat and of animal population trends of the management indicator species.

(a)(3) Biologists from State fish and wildlife agencies and other Federal agencies shall be consulted in order to coordinate planning for fish and wildlife, including opportunities for the reintroduction of extirpated species.

(a)(4) Access and dispersal problems of hunting, fishing, and other visitor uses shall be considered.

(a)(5) The effects of pest and fire management on fish and wildlife populations shall be considered.

(a)(6) Population trends of the management indicator species will be monitored and relationships to habitat changes determined. This monitoring will be done in cooperation with State fish and wildlife agencies, to the extent practicable.

(a)(7) Habitat determined to be critical for threatened and endangered species shall be identified, and measures shall be prescribed to prevent the destruction or adverse modification of such habitat. Objectives shall be determined for threatened and endangered species that shall provide for, where possible, their removal from

listing as threatened and endangered species through appropriate conservation measures, including the designation of special areas to meet the protection and management needs of such species.

219.20 Grazing resource.

In forest planning, the suitability and potential capability of National Forest System lands for producing forage for grazing animals and for providing habitat for management indicator species shall be determined as provided in paragraphs (a) and (b) of this section. Lands so identified shall be managed in accordance with direction established in forest plans.

(a) Lands suitable for grazing and browsing shall be identified and their condition and trend shall be determined. The present and potential supply of forage for livestock, wild and free-roaming horses and burros, and the capability of these lands to produce suitable food and cover for selected wildlife species shall be estimated. The use of forage by grazing and browsing animals will be estimated. Lands in less than satisfactory conditions shall be identified and appropriate action planned for their restoration.

(b) Alternative range management prescriptions shall consider grazing systems and the facilities necessary to implement them; land treatment and vegetation manipulation practices; and evaluation of pest problems; possible conflict or beneficial interactions among livestock, wild free-roaming horses and burros and wild animal populations, and methods of regulating these; direction for rehabilitation of ranges in unsatisfactory condition; and comparative cost efficiency of the prescriptions.

219.21 Recreation resource.

To the degree consistent with needs and demands for all major resources, a broad spectrum of forest and rangeland related outdoor recreation opportunities shall be provided for in each alternative. Planning activities to achieve this shall be in accordance with national and regional direction and procedural requirements of paragraphs (a) through (g) of this section.

(a) Forest planning shall identify--

(a)(1) The physical and biological characteristics that make land suitable for recreation opportunities;

(a)(2) The recreational preferences of user groups and the settings needed to provide quality recreation opportunities; and

(a)(3) Recreation opportunities on the National Forest System lands.

(b) The supply of developed recreational facilities in the area of National Forest influence shall be appraised for adequacy to meet present and future demands.

(c) Planning alternatives shall include consideration of establishment of physical facilities, regulation of use, and recreation opportunities responsive to current and anticipated user demands.

(d) In formulation and analysis of alternatives as specified in s 219.12(f) and (g), interactions among recreation opportunities and other multiple uses shall be examined. This examination shall consider the impacts of the proposed recreation activities on other uses and values and the impacts of other uses and activities associated with them on recreation opportunities, activities, and quality of experience.

(e) Formulation and evaluation of alternatives under paragraphs (c) and (d) of this section shall be coordinated to the extent feasible with present and proposed recreation activities of local and State land use or outdoor recreation plans, particularly the State Comprehensive Outdoor Recreation Plan, and recreation opportunities already present and available on other public and private lands, with the aim of reducing duplication in meeting recreation demands.

(f) The visual resource shall be inventoried and evaluated as an integrated part of evaluating alternatives in the forest planning process, addressing both the landscape's visual attractiveness and the public's visual expectation. Management prescriptions for definitive land areas of the forest shall include visual quality objectives.

(g) Off-road vehicle use shall be planned and implemented to protect land and other resources, promote public safety and minimize conflicts with other uses of the National Forest System lands. Forest planning shall evaluate the potential effects of vehicle use off roads and, on the basis of the requirements of 36 CFR Part 295 of this chapter classify areas and trails of National Forest System lands as to whether or not off-road vehicle use may be permitted.

219.22 Mineral resource.

Mineral exploration and development in the planning area shall be considered in the management of renewable resources. The following shall be recognized to the extent practicable in forest planning:

- (a) Active mines within the area of land covered by the forest plan;
- (b) Outstanding or reserved mineral rights;
- (c) The probable occurrence of various minerals, including locatable, leasable, and common variety;
- (d) The potential for future mineral development and potential need for withdrawal of areas from development;
- (e) Access requirements for mineral exploration and development; and
- (f) The probable effect of renewable resource prescriptions and management direction on mineral resources and activities, including exploration and development.

219.23 Water and soil resource.

Forest planning shall provide for--

- (a) General estimates of current water uses, both consumptive and non-consumptive, including in stream flow requirements within the area of land covered by the forest plan;
- (b) Identification of significant existing impoundments, transmission facilities, wells, and other man-made developments on the area of land covered by the forest plan;
- (c) Estimation of the probable occurrence of various levels of water volumes, including extreme events which would have a major impact on the planning area;

(d) Compliance with requirements of the Clean Water Act, the Safe Drinking Water Act, and all substantive and procedural requirements of Federal, State, and local governmental bodies with respect to the provision of public water systems and the disposal of waste water;

(e) Evaluation of existing or potential watershed conditions that will influence soil productivity, water yield, water pollution, or hazardous events; and

(f) Adoption of measures, as directed in applicable Executive orders, to minimize risk of flood loss, to restore and preserve floodplain values, and to protect wetlands.

219.24 Cultural and historic resources.

Forest planning shall provide for the identification, protection, interpretation, and management of significant cultural resources on National Forest System lands. Planning of the resource shall be governed by the requirements of Federal laws pertaining to historic preservation, and guided by paragraphs (a)(1) through (a)(3) of this section.

(a) Forest planning shall--

(a)(1) Provide an overview of known data relevant to history, ethnography, and prehistory of the area under consideration, including known cultural resource sites;

(a)(2) Identify areas requiring more intensive inventory;

(a)(3) Provide for evaluation and identification of appropriate sites for the National Register of Historic Places;

(a)(4) Provide for establishing measures for the protection of significant cultural resources from vandalism and other human depredation, and natural destruction;

(a)(5) Identify the need for maintenance of historic sites on, or eligible for inclusion in, the National Register of Historic Places; and

(a)(6) Identify opportunities for interpretation of cultural resources for the education and enjoyment of the American public.

(b) In the formulation and analysis of alternatives, interactions among cultural resources and other multiple uses shall be examined. This examination shall consider impacts of the management of cultural resources on other uses and activities and impacts of other uses and activities on cultural resource management.

(c) Formulation and evaluation of alternatives shall be coordinated to the

extent feasible with the State cultural resource plan and planning activities of the State Historic Preservation Office and State Archaeologist and with other State and Federal agencies.

219.25 Research natural areas.

Forest planning shall provide for the establishment of Research Natural Areas (RNA's). Planning shall make provision for the identification of examples of important forest, shrubland, grassland, alpine, aquatic, and

geologic types that have special or unique characteristics of scientific interest and importance and that are needed to complete the national network of RNA's. Biotic, aquatic, and geologic types needed for the network shall be identified using a list provided by the Chief of the Forest Service. Authority to establish RNA's is delegated to the Chief at 7 CFR 2.60(a) and 36 CFR 251.23. Recommendations for establishment of areas shall be made to the Chief through the planning process.

219.26 Diversity.

Forest planning shall provide for diversity of plant and animal communities and tree species consistent with the overall multiple-use objectives of the planning area. Such diversity shall be considered throughout the planning process. Inventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present condition. For each planning alternative, the interdisciplinary team shall consider how diversity will be affected by various mixes of resource outputs and uses, including proposed management practices. (Refer to s 219.27(g).)

219.27 Management requirements.

The minimum specific management requirements to be met in accomplishing goals and objectives for the National Forest System are set forth in this section. These requirements guide the development, analysis, approval, implementation, monitoring and evaluation of forest plans.

(a) Resource protection. All management prescriptions shall--

(a)(1) Conserve soil and water resources and not allow significant or permanent impairment of the productivity of the land;

(a)(2) Consistent with the relative resource values involved, minimize serious or long-lasting hazards from flood, wind, wildfire, erosion, or other natural physical forces unless these are specifically excepted, as in wilderness;

(a)(3) Consistent with the relative resource values involved, prevent or reduce serious, long lasting hazards and damage from pest organisms, utilizing principles of integrated pest management. Under this approach all aspects of a pest-host system should be weighed to determine situation-specific prescriptions which may utilize a combination of techniques including, as appropriate, natural controls, harvesting, use of resistant species, maintenance of diversity, removal of damaged trees, and judicious use of pesticides. The basic principle in the choice of strategy is that, in the long term, it be ecologically acceptable and compatible with the forest ecosystem and the multiple use objectives of the plan;

(a)(4) Protect streams, streambanks, shorelines, lakes, wetlands, and other bodies of water as provided under paragraphs (d) and (e) of this section;

(a)(5) Provide for and maintain diversity of plant and animal communities to meet overall multiple-use objectives, as provided in paragraph (g) of this section;

(a)(6) Provide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species and provide that habitat for species chosen under s 219.19 is maintained and improved to the degree consistent with multiple-use objectives established in the plan;

(a)(7) Be assessed prior to project implementation for potential physical, biological, aesthetic, cultural, engineering, and economic impacts and for consistency with multiple uses planned for the general area;

(a)(8) Include measures for preventing the destruction or adverse modification of critical habitat for threatened and endangered species;

(a)(9) Provide that existing significant transportation and utility corridors and other significant right-of-way that are capable and likely to be needed to accommodate the facility or use from an additional compatible right-of-way be designated as a right-of-way corridor. Subsequent right-of-way grants will, to the extent practicable, and as determined by the responsible line officer, use designated corridors;

(a)(10) Ensure that any roads constructed through contracts, permits, or leases are designed according to standards appropriate to the planned uses, considering safety, cost of transportation, and effects upon lands and resources;

(a)(11) Provide that all roads are planned and designed to re-establish vegetative cover on the disturbed area within a reasonable period of time, not to exceed 10 years after the termination of a contract, lease or permit, unless the road is determined necessary as a permanent addition to the National Forest Transportation System; and

(a)(12) Be consistent with maintaining air quality at a level that is adequate for the protection and use of National Forest System resources and that meets or exceeds applicable Federal, State and/or local standards or regulations.

(b) Vegetative manipulation. Management prescriptions that involve vegetative manipulation of tree cover for any purpose shall--

(b)(1) Be best suited to the multiple-use goals established for the area with potential environmental, biological, cultural resource, aesthetic, engineering, and economic impacts, as stated in the regional guides and forest plans, being considered in this determination;

(b)(2) Assure that lands can be adequately restocked as provided in paragraph (c)(3) of this section, except where permanent openings are created for wildlife habitat improvement, vistas, recreation uses and similar practices;

(b)(3) Not be chosen primarily because they will give the greatest dollar return or the greatest output of timber, although these factors shall be considered;

(b)(4) Be chosen after considering potential effects on residual trees and adjacent stands;

(b)(5) Avoid permanent impairment of site productivity and ensure conservation of soil and water resources;

(b)(6) Provide the desired effects on water quantity and quality, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation uses, aesthetic values, and other resource yields; and (b)(7) Be practical in terms of transportation and harvesting requirements, and total costs of preparation, logging, and administration.

(c) Silvicultural practices. The following management requirements apply to timber harvest and cultural treatments:

(c)(1) No timber harvesting shall occur on lands classified as not suited for timber production pursuant to s 219.14 except for salvage sales, sales necessary to protect other multiple-use values or activities that meet other objectives on such lands if the forest plan establishes that such actions are appropriate. These lands shall continue to be treated for reforestation purposes if necessary to achieve the multiple-use objectives of the plan.

(c)(2) The selected sale schedule provides the allowable sale quantity for the first planning period. Within the planning period, the volume of timber to be sold in any one year may exceed the average annual allowable sale quantity so long as the total amount sold for the planning period does not exceed the allowable sale quantity. Nothing in this paragraph prohibits salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger of insect or disease attack and where such harvests are consistent with silvicultural and environmental standards. Such timber may either substitute for timber that would otherwise be sold under the plan or, if not feasible, be sold over and above the planned volume.

(c)(3) When trees are cut to achieve timber production objectives, the cuttings shall be made in such a way as to assure that the technology and knowledge exists to adequately restock the lands within 5 years after final harvest. Research and experience shall be the basis for determining whether the harvest and regeneration practices planned can be expected to result in adequate restocking. Adequate restocking means that the cut area will contain the minimum number, size, distribution, and species composition of regeneration as specified in regional silvicultural guides for each forest type. Five years after final harvest means 5 years after clearcutting, 5 years after final overstory removal in shelterwood cutting, 5 years after the seed tree removal cut in seed tree cutting, or 5 years after selection cutting.

(c)(4) Cultural treatments such as thinning, weeding, and other partial cutting may be included in the forest plan where they are intended to increase the rate of growth of remaining trees, favor commercially valuable tree species, favor species or age classes which are most valuable for wildlife, or achieve other multiple-use objectives.

(c)(5) Harvest levels based on intensified management practices shall be decreased no later than the end of each planning period if such practices cannot be completed substantially as planned.

(c)(6) Timber harvest cuts designed to regenerate an even-aged stand of timber shall be carried out in a manner consistent with the protection of soil, watershed, fish and wildlife, recreation, and aesthetic resources, and the regeneration of the timber resource.

(c)(7) Timber harvest and other silvicultural treatments shall be used to prevent potentially damaging population increases of forest pest organisms. Silvicultural treatments shall not be applied where such treatments would make stands susceptible to pest-caused damage levels inconsistent with management objectives.

(d) Even-aged management. When openings are created in the forest by the application of even-aged silviculture, the following management requirements apply:

(d)(1) Openings shall be located to achieve the desired combination of multiple-use objectives. The blocks or strips cut shall be shaped and blended with the natural terrain, to the extent practicable, to achieve aesthetic, wildlife habitat, or other objectives established in the plan. Regional guides shall provide guidance on dispersion of openings in relation to topography, climate, geography, local land use patterns, forest types or other factors. As a minimum, openings in forest stands are no longer considered openings once a new forest is established. Forest plans may set forth variations to this minimum based on site-specific requirements for achieving multiple-

use objectives. Regional guides shall provide guidance for determining variations to this minimum in the forest plan, based on requirements for watershed, wildlife habitat, scenery or other resource protection needs, or other factors.

(d)(2) Individual cut blocks, patches, or strips shall conform to the maximum size limits for areas to be cut in one harvest operation established by the regional guide according to geographic areas and forest types. This limit may be less than, but will not exceed, 60 acres for the Douglas-fir forest type of California, Oregon, and Washington; 80 acres for the southern yellow pine types of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, and Texas; 100 acres for the hemlock-sitka spruce forest type of coastal Alaska; and 40 acres for all other forest types except as provided in paragraphs (d)(2)(i) through (iii) of this section:

(d)(2)(i) Cut openings larger than those specified may be permitted where larger units will produce a more desirable combination of net public benefits. Such exceptions shall be provided for in regional guides. The following factors shall be considered in evaluating harvest cuts of various sizes and shapes to determine size limits by geographic areas and forest types: Topography; relationship of units to other natural or artificial openings and proximity of units; coordination and consistency with adjacent forests and regions; effect on water quality and quantity; visual absorption capability; effect on wildlife and fish habitat; regeneration requirements for desirable tree species based upon the latest research findings; transportation and harvesting system requirements; environmental and forest pest hazards to regeneration, residual trees, and surrounding stands; and the relative total costs of preparation and administration, transportation requirements, harvesting, site preparation, planting, stocking control, and future stand tending of harvest cuts of various sizes and shapes. Specification for exceptions shall include the particular conditions under which the larger size is permitted and shall set a new maximum size permitted under those conditions.

(d)(2)(ii) Size limits exceeding those established in paragraphs (d)(2) and (d)(2)(i) of this section are permitted on an individual timber sale basis after 60 days' public notice and review by the Regional Forester.

(d)(2)(iii) The established limit shall not apply to the size of areas harvested as a result of natural catastrophic condition such as fire, insect and disease attack, or windstorm.

(e) Riparian areas. Special attention shall be given to land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water. This area shall correspond to at least the recognizable area dominated by the riparian vegetation. No management practices causing detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits of sediment shall be permitted within these areas which seriously and adversely affect water conditions or fish habitat. Topography, vegetation type, soil, climatic conditions, management objectives, and other factors shall be considered in determining what management practices may be performed within these areas or the constraints to be placed upon their performance.

(f) Soil and water. Conservation of soil and water resources involves the analysis, protection, enhancement, treatment, and evaluation of soil and water resources and their responses under management and shall be guided by instructions in official technical handbooks. These handbooks must show specific ways to avoid or mitigate damage, and maintain or enhance productivity on specific sites. These handbooks may be regional in scope or, where feasible, specific to physiographic or climatic provinces.

(g) Diversity. Management prescriptions, where appropriate and to the extent practicable, shall preserve and enhance the diversity of plant and animal communities, including endemic and desirable naturalized plant and animal species, so that it is at least as great as that which would be expected in a natural forest and the diversity

of tree species similar to that existing in the planning area. Reductions in diversity of plant and animal communities and tree species from that which would be expected in a natural forest, or from that similar to the existing diversity in the planning area, may be prescribed only where needed to meet overall multiple-use objectives. Planned type conversion shall be justified by an analysis showing biological, economic, social, and environmental design consequences, and the relation of such conversions to the process of natural change.

219.28 Research.

(a) Research needs for management of the National Forest System shall be identified during planning and periodically reviewed during evaluation of implemented plans. Particular attention should be given to research needs identified during the monitoring and evaluation described in 219.12(k). These identified needs shall be included in formulating overall research programs and plans which involve private as well as public forest and rangelands.

(b) Research needed to support or improve management of the National Forest System shall be established and budgeted at the research station and national levels. Priorities for this portion of the Forest Service Research Program shall be based upon the information gathered at all planning levels of the National Forest System.

(c) An annual report shall be prepared at the national level with assistance from Regions and Stations which shall include, but not be limited to, a description of the status of major research programs which address National Forest System needs for Research, significant findings, and how this information is to be or has recently been applied.

219.29 Transition period.

(a) Until a forest planning area of the National Forest System is managed under a forest plan developed pursuant to this subpart and approved by the Regional Forester, the land may continue to be managed under existing land use and resource plans. As soon as practicable, existing plans shall be amended or revised to incorporate standards and guidelines in this subpart. Pending approval of a forest plan, existing plans may be amended or revised to include management requirements not inconsistent with the provisions of the RPA and these regulations.

(b) Requirements of amendments to this subpart shall be incorporated in forest plans and regional guides through the ongoing planning process. Planning process steps already completed need not be repeated.

(b)(1) If, prior to the effective date of an amendment to this subpart, a forest plan either has been approved in final form or released in draft form for public review, the plan need not be modified to incorporate requirements of such amendment, until the next scheduled revision of the forest plan;

(b)(2) If, prior to the effective date of an amendment to this subpart, a regional guide either has been approved in final form or released in draft form for public review, the guide need not be modified to incorporate the requirements of such amendment, until a significant amendment to the guide is made for reasons other than incorporating requirements of amendments to this subpart.

(c) A forest plan may become effective prior to the development and approval of its related regional guide, provided that the forest plan is reviewed upon regional guide approval, and if necessary, amended to comply with regional management direction. If such an amendment is significant, it shall be accomplished pursuant to the requirements for the development of a forest plan as set forth in this subpart.

(d) As a result of the eruption of Mount St. Helens, a land management plan for the Mount St. Helens area shall be prepared substantially in accordance with the following procedures:

(d)(1) Notwithstanding any other provisions in this subpart, the area included in the Mount St. Helens land management plan will not be subject to planning activities for the first generation Gifford Pinchot National Forest Plan unless the Regional Forester for the Pacific Northwest Region determines that additional planning activities are desirable.

(d)(2) Lands which were inventoried as roadless and designated for nonwilderness uses in the Roadless Area Review and Evaluation (RARE II) shall be managed for uses other than wilderness. Except for a small part of the Mount Margaret roadless area (B 6071), the Mount St. Helens land management plan shall not consider wilderness designation for these lands.

(d)(3) Lands which were inventoried as roadless and designated as further planning in the Roadless Area Review and Evaluation (RARE II) shall be evaluated in the Mount St. Helens land management plan and shall be managed in accordance with that plan.

1950
Page 1 of 6

FOREST SERVICE MANUAL
WASHINGTON

TITLE 1900 - PLANNING

Amendment No. 1900-92-4

Effective September 21, 1992

POSTING NOTICE. Amendments are numbered consecutively by title and calendar year. Post by document name. Remove entire document and replace with this amendment. Retain this transmittal as the first page of this document. The last amendment to this Title was Amendment 1900-92-3 to FSM 1950 Contents.

This amendment supersedes Amendment 1900-91-4 to FSM 1950.

| Document Name | Superseded (Number of Pages) | New (Number of Pages) |
|---------------|---------------------------------|--------------------------|
| 1950 | 6 | 6 |

Digest:

1950 - The Forest Service has adopted revised policy and procedures for implementing the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations. These guidelines replace policy and procedures published in the Federal Register on June 24, 1985, with those published in the Federal Register on September 18, 1992.

This amendment revises and updates the entire chapter to specify desired results, minimize procedural detail, rely as much as practicable on judgment of field professionals, and to permit discretion in achieving operational results appropriate to local situations and conditions. As amended, it contains only that direction needed by line and primary staff officers. More detailed procedures for environmental analyses and documentation needed by line and staff officers and resource specialists is set forth in the Handbook, FSH 1909.15.

The amendment includes substantive as well as editorial changes in response to public review and comment of the draft policy and procedures as published in the Federal Register of April 29, 1991.

This chapter and FSH 1909.15, with the exception of Chapter 60, References, were published in their entirety in the Federal Register of September 18, 1992.

F. DALE ROBERTSON
Chief

FSM 1900 - PLANNING
WO AMENDMENT 1900-92-4
EFFECTIVE 9/21/92

CHAPTER 1950 - ENVIRONMENTAL POLICY AND PROCEDURES

This chapter sets forth Forest Service management objectives, policy, and responsibilities for meeting the requirements of the National Environmental Policy Act (NEPA).

1950.1 - Authority.

1. The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321-4346). NEPA declares a national policy which encourages "productive and enjoyable harmony between man and his environment." NEPA requires Federal agencies to: (a) use a systematic interdisciplinary approach in planning and decisionmaking; (b) consider the environmental impact of proposed actions; (c) identify adverse environmental effects which cannot be avoided should the proposal be implemented; (d) consider alternatives to the proposed action; (e) consider the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity; and (f) identify any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

2. Council on Environmental Quality Regulations. The regulations at Title 40, Code of Federal Regulations, Parts 1500-1508 (40 CFR 1500-1508) set forth specific requirements for implementing the National Environmental Policy Act. The regulations establish procedures and rules governing environmental analysis and documentation; ensure that environmental information is available to public officials and the public, including identification of significant issues; and provide direction to assist public officials in making decisions based on an understanding of environmental consequences.

3. U.S. Department of Agriculture NEPA Regulations. The regulations at Title 7, Code of Federal Regulations, Part 1b (7 CFR 1b) direct Department of Agriculture agencies to develop and to implement procedures for compliance with NEPA. The regulations exclude seven categories of activities from documentation such as program funding, educational and informational activities, and civil and criminal law enforcement and investigation activities.

The full texts of these authorities, along with supplementary Council on Environmental Quality guidance, are printed in chapter 60 of the Forest Service Environmental Policy and Procedures Handbook (FSH 1909.15).

1950.2 - Objectives. In meeting the requirements of the National Environmental Policy Act, the Forest Service seeks to:

1. Fully integrate National Environmental Policy Act requirements into agency planning and decisionmaking.
2. Fully consider the impacts of Forest Service proposed actions on the physical, biological, social, and economic aspects of the human environment (40 CFR 1508.14).
3. Involve interested and affected agencies, State and local governments, organizations, and individuals in planning and decisionmaking.
4. Conduct and document environmental analyses and subsequent decisions appropriately, efficiently, and cost effectively.

1950.3 - Policy. Compliance with NEPA is fundamental to managing all Forest Service resource, research, and cooperative forestry programs and must be integrated into the management processes of those programs.

1. Procedures of this chapter apply to the fullest extent practicable to analyses and documentation of Forest Service actions. However, work completed under previous policy and guidelines need not be revised.
2. It is Forest Service policy to:
 - a. Give early notice of upcoming proposals to interested and affected persons (FSH 1909.15, sec. 07).
 - b. Give timely notice to interested and affected persons, Federal agencies, State and local governments,

and organizations of the availability of environmental and accompanying decision documents.

c. Make documents available to the public free of charge to the extent practicable.

d. Apply the concepts of tiering, adoption, and incorporation by reference to both environmental impact statements and environmental assessments.

3. Line and primary staff officers are subject to the requirements of FSH 1909.15, which sets forth the procedural instructions for environmental analysis and documentation.

4. Matters which require consultation with the Council on Environmental Quality shall be referred to the Washington Office Director of Environmental Coordination.

1950.4 - Responsibility.

1950.41 - Authority to Act as Responsible Official. The responsible official is the agency employee who has the delegated authority to make and implement a decision on a proposed action.

1950.41a - Chief. The Chief reserves the discretion to be the responsible official (sec. 1950.5) for environmental analyses, documentation, and decisions relating to proposed actions of national importance. In accordance with the general delegations of authority at FSM 1235, the Associate Chief may act as responsible official on any matter reserved by the Chief, unless the Chief directs otherwise.

In cases of proposed legislation where the Secretary of Agriculture is the responsible official, the Chief is responsible for providing support for the analysis and documentation.

1950.41b - Deputy Chiefs and Associate Deputy Chiefs. In accordance with delegations at FSM 1235, the Deputy Chiefs and Associate Deputy Chiefs may serve and sign as the responsible official on any environmental matter of national importance within their areas of jurisdiction, unless the Chief specifically directs otherwise.

1950.41c - Regional Foresters, Station Directors, and Area Director. As provided in FSM 1235, Regional Foresters, Station Directors, and the Area Director are delegated responsibility for conducting environmental analyses, preparing environmental documents, and making decisions related to proposed actions under

their jurisdiction.

Regional Foresters, Station Directors, and the Area Director may file environmental impact statements directly with the Environmental Protection Agency for proposed actions within their authority.

Station Directors and the Area Director may, by supplement to this code, redelegate responsibility for conducting environmental analyses, preparing the necessary documentation, filing environmental impact statements, and making decisions on proposed actions to Assistant Station Directors, Research project leaders, and State and Private Forestry field representatives.

1950.41d - Forest Supervisors. Unless otherwise provided in the Forest Service Manual or Handbooks, Forest Supervisors have authority and responsibility for conducting environmental analyses, preparing the necessary documentation, and making decisions on proposed actions under their jurisdiction unless specifically reserved by the Regional Forester. This authority may be redelegated to District Rangers by supplement to this code or, by letter, on a case-by-case basis (FSM 1204; 1230).

1950.42 - Limitations on Issuance of Directives.

1950.42a - Field Line Officers. Notwithstanding the delegation of authority in FSM 1104 to issue supplements to the Forest Service Manual and the Handbooks, Regional Foresters, Station Directors, the Area Director, and Forest Supervisors may issue supplements to FSM 1950 and FSH 1909.15 only as follows:

1. Supplements to FSM 1950 may be issued only to delegate authority or responsibility.

2. Supplements to FSH 1909.15 may be issued only for the purposes of issuing internal procedures for preparing and processing environmental documents and records, assigning responsibilities, or adding reference materials.

1950.43 - Director of Environmental Coordination, Washington Office. The Director is the staff official responsible for developing and recommending national policy, procedures, coordination measures, technical administration, and training necessary to implement the National Environmental Policy Act (NEPA) within the Forest Service. The Director is also responsible for developing policy, procedures, and training for conducting social impact analysis (FSM 1973 and FSH 1909.17, ch. 30).

The Director is responsible for liaison with the Council on Environmental Quality and consults with the Council on possible

referrals (40 CFR 1504) and emergencies (40 CFR 1506.11). The Director also provides liaison with the Environmental Protection Agency and, as needed, requests changes in the prescribed time periods for preparation and processing of environmental impact statements (40 CFR 1506.10).

When the Chief or the Secretary is the responsible official for a proposed action, it is the responsibility of the Director to advise and assist the appropriate field unit or Washington Office (WO) staff in preparing the necessary documents and to coordinate, review, and process the relevant documents.

The Director's signing authority includes:

- (a) Correspondence with the Council on Environmental Quality, Environmental Protection Agency, and other departments and agencies, interpretations or implementation of NEPA, CEQ regulations and guidance, or Forest Service NEPA compliance policy and procedures regarding the National Environmental Policy Act.
- (b) General correspondence regarding environmental and decision documents and environmental quality matters.
- (c) Routine correspondence (FSM 1237) to Members of Congress and routine referrals from the President and Secretary on environmental analysis and documentation matters.

QUINCY LIBRARY GROUP FOREST RECOVERY AND
ECONOMIC STABILITY ACT OF 1997

JUNE 18, 1997.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 858]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Quincy Library Group Forest Recovery and Economic Stability Act of 1997”.

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) **DEFINITION.**—For purposes of this section, the term “Quincy Library Group-Community Stability Proposal” means the agreement of July 1993 by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program for certain Federal lands in the Sierra Nevada area. Such proposal includes the map entitled “QUINCY LIBRARY GROUP Community Stability Proposal”, dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) **PILOT PROJECT REQUIRED.**—

(1) **PILOT PROJECT AND PURPOSE.**—The Secretary of Agriculture, acting through the Forest Service, shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d), as recommended in the Quincy Library Group-Community Stability Proposal.

(2) **PILOT PROJECT AREA.**—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as “Available for Group Selection” on the map entitled “QUINCY LIBRARY GROUP Community Stability Proposal”, dated June 1993. Such lands shall be referred to as the “pilot project area” for purposes of this Act. Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) **EXCLUSION OF CERTAIN LANDS AND RIPARIAN PROTECTION.**—

(1) **EXCLUSION.**—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) **RIPARIAN PROTECTION.**—

(A) **IN GENERAL.**—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) **GUIDELINES DESCRIBED.**—The guidelines referred to in subparagraph (A) are those in the document entitled “Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest”, a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(d) **RESOURCE MANAGEMENT ACTIVITIES.**—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) **FUELBREAK CONSTRUCTION.**—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) **GROUP SELECTION AND INDIVIDUAL TREE SELECTION.**—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) **GROUP SELECTION.**—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) **INDIVIDUAL TREE SELECTION.**—Individual tree selection may also be utilized within the pilot project area.

(3) **TOTAL ACREAGE.**—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(e) **COST-EFFECTIVENESS.**—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) **EFFECT ON MULTIPLE USE ACTIVITIES.**—The Secretary shall not rely on the resource management activities described in subsection (d) as a basis for administra-

tive action limiting other multiple use activities on Federal lands included within the pilot project area designated under subsection (b)(2).

(g) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to begin implementing resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) other funds as are allocated for the administration of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—During the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts available for the administration of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(h) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (i).

(2) The date that is five years after the date of the commencement of the pilot project.

(i) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b) and the resource management activities described in subsection (d); and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(j) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (g)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (g)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 of timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) LIMITATION ON EXPENDITURES.—The amount expended on each annual report under this subsection shall not exceed \$30,000.

(k) FINAL REPORT.—

(1) IN GENERAL.—Beginning after completion of the fourth year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment shall be compiled in consultation with the Quincy Library Group and shall be submitted to the Congress by February 28, 2003.

(2) LIMITATION ON EXPENDITURES.—The amount expended for each report under this subsection shall not exceed \$100,000.

PURPOSE OF THE BILL

The purpose of H.R. 858 is to direct the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these management activities.

BACKGROUND AND NEED FOR LEGISLATION

The “Quincy Library Group Forest Recovery and Economic Stability Act of 1997” establishes a five-year project on federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California. The project will maintain community stability and forest health and initiate forest plan amendments to evaluate the incorporation of Quincy Library Group (QLG) resource management activities into the forest plans. President William Clinton provided the inspiration and challenge for the people of Quincy to form the QLG and to take the forest battles from the courtroom into the conference room. As of June 17, 1997, the President’s challenge occurred exactly 1,628 days ago, and the QLG agreement was reached about 1,509 days ago. A bill authorizing the QLG pilot project was introduced in the 104th Congress as H.R. 4082.

The pilot project is based on the QLG Community Stability Proposal of 1993, which was developed by a coalition of representatives from environmental organizations, the wood products industry, citizens, and local communities in Northern California. The group’s proposal represents a locally-developed consensus resource management program for the applicable federal lands in the Sierra Nevada.

H.R. 858 directs the Secretary of Agriculture, acting through the U.S. Forest Service, to implement fuelbreaks, individual tree selection (fuel reduction), group selection, and monitoring to reduce the risk of catastrophic fire and improve watersheds, as described in the 1993 proposal. The bill effectively excludes all roadless lands from the activities authorized for the duration of the pilot project. The timber removed for construction of the fuelbreaks and by group and individual tree selection can be utilized in mills that process the material into lumber and other wood products. Biomass that is removed can be utilized to produce electrical energy.

QLG plan is consistent with environmental laws and good science

As stated above, the bill and the QLG plan preserve for the duration of the five year pilot project all remaining roadless areas in the two National Forests and one ranger district in a third National Forest. This is a central component of the QLG plan and is accom-

plished by directing that fuelbreak activities be carried out *only* in areas that are “available for group selection” on the map that outlines the QLG land base areas. Fuelbreak strategies involving “defensible fuel profile zones” (DFPZs) are recognized by current scientific literature, such as the Sierra Nevada Ecosystem Project (SNEP). This study was undertaken at the urging of the Members of the Committee on Resources with direction issued in the Conference Report for the Department of the Interior and Related Agencies Appropriations bill in 1993. The study was completed in June 1997.

The QLG plan is drawn from relevant parts of the scientific literature available concerning the Sierra Nevada area including SNEP, which contains an extensive compilation of scientific information and theories on the ecosystem of the Sierra Nevada area. SNEP recognizes the validity of using DFPZs, the key component of the QLG bill, as a way to restoring a natural balance in forests:

[DFPZs] should be viewed as an initial step in bringing large portions of landscapes into more defensible and fire-resilient conditions. As the hazard level of various landscapes is brought down, the DFPZs will tend to blend into the surrounding landscapes. It must be recognized that desirable fuels conditions, once achieved, will require periodic maintenance or conditions will revert to hazardous states.

(Sierra Nevada Ecosystem Project, Volume 1, Chapter 4, Page 70).

The SNEP report also recognizes the value of late-successional old-growth forest conditions, which are fostered in the bill. (Sierra Nevada Ecosystem Project, Volume 1, Chapter 6). For the term of the pilot project, the bill does not authorize any timber management activities within the roadless areas, areas that contain late successional old-growth trees.

The SNEP report also evaluated the community-based forestry initiative to implement fuel management strategies developed by the QLG: “The most detailed fuel-management strategies to date have been proposed for the northern end of the Sierra Nevada—Lassen and Plumas National Forests and the Sierraville Ranger District of the Tahoe National Forest. . . . Rapid implementation of a network of broad fuelbreaks is key to both proposals.” (Sierra Nevada Ecosystem Project, Volume II, Chapter 56, Page 1478).

The QLG plan is consistent with applicable environmental and resource standards and guidelines which are drawn from law and regulation. In addition, the QLG plan is consistent with the California spotted owl report (CASPO) interim guidelines. The QLG plan can be accomplished while complying with the CASPO.

The Administration suggested that the bill might appear to exempt pilot project activities from the requirements of the National Environmental Policy Act, the National Forest Management Act, the Clean Air Act, the Clean Water Act, and other laws. That testimony was rebutted by an experienced environmental attorney who has represented environmental groups in lawsuits over a number of years to stop or reduce timber harvesting. In addition, the Administration acknowledged that H.R. 858 as introduced does comply with all applicable substantive environmental laws as well as

agency guidelines for management of the California spotted owl, and that H.R. 858 is consistent with recommendations by SNEP for fuel reduction in California's national forests, as discussed above.

The Administration also expressed concern that the pilot program should be subjected to a science-based evaluation during and following completion of the program. During its deliberations on H.R. 858, the Committee added a provision requiring a science-based assessment after four years of program implementation. The Committee has also added language to ensure that the Secretary of Agriculture would report on his findings at the conclusion of the science-based assessment.

Funding

The Administration believes that funding in fiscal year 1998 budget may be needed to provide adequate resources for the program and to avoid a reallocation of other funds to implement the legislation. However, subsection 2(e) of the bill mandates that implementation use the most cost-effective means available. This means that implementation costs are to be monitored, controlled, reduced, and kept to a minimum. Effective environmental protection need not raise costs, and it is anticipated that additional funding to implement the provisions of H.R. 858 will be minimal. The Committee intends to remain active in monitoring Forest Service implementation of H.R. 858 to ensure costs are not excessive and that the annual reporting requirements are complied with and reports are accurate. To the extent that additional funds will be needed to implement the provisions of H.R. 858, the bill provides flexibility in subsection (g)(1)(A) for the Secretary to provide funds through reprogramming and administrative flexibility.

Projects designed to approximate the QLG plan have received funding during the past three years: \$1 million in fiscal year 1995; \$4.7 million in fiscal year 1996; and \$4.7 million in fiscal year 1997. This funding has resulted in virtually no on-the-ground work approximating the series of "strategic fuel breaks" designed to reduce the risk of fire (thereby protecting communities located within or near federal land) and has not advanced the goal of returning areas to a more natural ecological balance. The Forest Service's complex procedures and lengthy planning process are among the many problems that have prevented even the most minimal implementation of the measures that are authorized and directed in H.R. 858. Work done by the Forest Service over the past two and one half years is not equal in scope to that envisioned by the QLG plan, which if fully implemented would take 35 years or more to treat the fire risks on the lands that are available for group selection. Furthermore, the Forest Service lacks implementation oversight through community involvement envisioned by the QLG plan.

Therefore, additional funding for QLG activities, without a law that authorizes and directs those activities as described in this bill, will likely result in federal expenditures that do not accomplish the results desired and described in the QLG's Community Stability Proposal.

Conclusion

The Committee understands that there has been some internal resistance to implementing the QLG pilot within the Forest Service, which may be a result of institutional factors. It is the Committee's intent that when H.R. 858 becomes law, the agency shall act quickly and decisively to implement it while working closely with the Committee in doing so. Attempts to scuttle implementation will not receive favorable reaction from the Committee.

COMMITTEE ACTION

H.R. 858 was introduced on February 27, 1997, by Congressman Wally Herger (R-CA), with Congressman Vic Fazio (D-CA), Congressman Robert Smith (R-OR), and Delegate Eni F.H. Faleomavaega (D-AS) as original cosponsors. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On March 5, 1997, the Subcommittee held a hearing on H.R. 858, where the Administration testified in support of the goals of the bill, but raised several items of concern.

At the hearing, three members of the QLG testified in support of the bill, including one person representing the many members of the local environmental community who have been part of the QLG. Two national environmental group representatives who were not part of the QLG also testified, expressing support for the goals of the QLG, but stating concerns with specific provisions of the bill or with the concept of a bill in general. Some of the high-priority requests for modifications recommended by national environmental groups and others expressing concern about the bill were addressed by amendments later adopted to the bill. These include, for example, the removal of the catastrophic events exception that would have allowed, under limited circumstances, fuelbreak work to be undertaken in spotted owl habitat.

On April 24, 1997, the Subcommittee met to mark up H.R. 858. An amendment in the nature of a substitute to address the Administration's concerns was offered by Congresswoman Helen Chenoweth (R-ID). The amendment included editorial changes to clarify the procedural requirements to ensure consistency with current agency regulation and policy, as requested by the Administration. The amendment specifically required one Environmental Impact Statement prior to entry into a "catastrophic event" area within spotted owl habitat. It also added greater flexibility for the Forest Service to conduct either plan amendments or revisions, consistent with the requirements of the National Forest Management Act, as requested by the Administration. In contrast, the bill as introduced required the preparation of forest plan amendments only.

The Chenoweth amendment in the nature of a substitute also clarified and limited the amount of acreage that may be treated annually (70,000 acres total) under group selection and individual tree selection, consistent with the QLG intent and as requested by the Administration. The amendment also expanded the reporting requirements to provide for consultation with the QLG and to require a science-based assessment to be prepared after completion of the fourth year of the pilot project, thereby enabling adequate

monitoring of the pilot. Finally, the amendment also limited reporting costs to ensure that available funds are applied to implementation and monitoring activities while still providing for necessary and reasonable reporting and monitoring expenses.

The Chenoweth amendment in the nature of a substitute was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee by a roll call vote of 4–2, as follows:

DON YOUNG, CHAIRMAN

U. S. House of Representatives
Committee on Resources
 Washington, DC 20515

Subcommittee on Forests and Forest Health
105th Congress
RECORDED VOTES

Date: APRIL 24, 1997 Time: _____

Bill Number/Subject Matter: HR 858 - QUINCY LIBRARY GROUP

Amendment Number FINAL PASSAGE

Roll Call: Passed: X Defeated: _____

Voice Vote: Passed: _____ Defeated: _____

| TOTAL VOTES | |
|-------------|------|
| YEAS | NAYS |
| 4 | 2 |

| REPUBLICANS | YEA | NEA | PRESENT | DEMOCRATS | YEA | NEA | PRESENT |
|------------------------------|-----|-----|---------|----------------------------|-----|-----|---------|
| Chenoweth | x | | | Hinchey | | x | |
| Hansen | x | | | Kildee | | x | |
| Doolittle | | | | Vento | | | |
| Radanovich | | | | | | | |
| Peterson | | | | | | | |
| Hill | x | | | | | | |
| Schaffer | x | | | | | | |
| <i>Total Republicans</i> | 4 | | | <i>Total Democrats</i> | | 2 | |

ordered reported to full committee by roll-call vote of 4-2.

May 21, 1997, the Committee on Resources met to consider H.R. 858. An amendment in the nature of a substitute was offered by Congresswoman Chenoweth incorporating substantial additional substantive changes requested by the QLG to make the bill more consistent with the original QLG proposal.

The amendment included two major modifications to the Subcommittee-reported bill. First, the “catastrophic events” exception that would have allowed, under limited circumstances, fuelbreak work to be undertaken within spotted owl habitat areas was *deleted* altogether. Testimony at the hearing indicated that the possibility of entry, even for fuel reduction, into spotted owl habitat areas was a major concern of some witnesses. However, assurances were given that the goals and benefits of the QLG proposal could still be accomplished without the deleted language, which would have required an Environmental Impact Statement before any entry for fuelbreak construction, thinning or group selection.

Second, a very significant provision to ensure that riparian areas would be protected was added to the bill. The riparian protections for timber activities were those sought in the original QLG agreement, which essentially add large buffer zones of no harvesting along riparian areas where no fuelbreak, group selection, and individual tree selection may occur prior to watershed analysis. The buffer concept was developed by a team of scientists led by the last Chief of the Forest Service while he was a researcher. It is embodied in a document called “Viability Assessments and Management Consideration for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest,” which was prepared in March 1993 by the Scientific Analysis Team, part of the Forest Service Research operation. The applicable parts of that document are the riparian protections regarding timber harvesting activities.

In addition, the Chenoweth amendment clarified that fuelbreaks will be created “utilizing thinning, individual tree selection, and other methods of vegetation management;” specified that individual tree selection may be utilized, and it removed any reference to the amount that may occur; provided 180 days for the Regional Forester to initiate plan amendments; and clarified the limitation on expenditures for the annual and final reports.

Congressman George Miller (D-CA) offered an amendment (#1) to the Chenoweth substitute to specify that resource management activities authorized by H.R. 858 shall be implemented to the extent consistent with applicable federal law and the standards and guidelines for the conservation of the California spotted owl. The amendment was defeated by roll call vote of 12-19, as follows:

Committee on Resources
U.S. House of Representatives
105th Congress

Full Committee

Date 5-21-97

Roll No. 1

Bill No. H.R. 858 Short Title Quincy Library Group

Amendment or matter voted on: Miller Amendment #1

| Member | Yea | Nay | Present | Member | Yea | Nay | Present |
|----------------------|-----|-----|---------|--------------------|-----|-----|---------|
| Mr. Young (Chairman) | | x | | Mr. Miller | x | | |
| Mr. Tauzin | | | | Mr. Markey | | | |
| Mr. Hansen | | x | | Mr. Rahall | x | | |
| Mr. Saxton | | x | | Mr. Vento | x | | |
| Mr. Gallegly | | | | Mr. Kildee | x | | |
| Mr. Duncan | | | | Mr. DeFazio | x | | |
| Mr. Hefley | | x | | Mr. Faleomavaega | x | | |
| Mr. Doolittle | | x | | Mr. Abercrombie | | | |
| Mr. Gilchrest | | x | | Mr. Ortiz | x | | |
| Mr. Calvert | | x | | Mr. Pickett | | | |
| Mr. Pombo | | x | | Mr. Pallone | x | | |
| Mrs. Cubin | | x | | Mr. Dooley | | | |
| Mrs. Chenoweth | | x | | Mr. Romero-Barcelo | x | | |
| Mrs. Linda Smith | | | | Mr. Hinchey | x | | |
| Mr. Radanovich | | x | | Mr. Underwood | | | |
| Mr. Jones | | x | | Mr. Farr | x | | |
| Mr. Thornberry | | | | Mr. Kennedy | x | | |
| Mr. Shadegg | | x | | Mr. Adam Smith | | | |
| Mr. Ensign | | x | | Mr. Delahunt | | | |
| Mr. Bob Smith | | x | | Mr. John | | | |
| Mr. Cannon | | x | | Ms. Green | | | |
| Mr. Brady | | x | | Mr. Kind | | | |
| Mr. Peterson | | | | Mr. Doggett | | | |
| Mr. Hill | | | | | | | |
| Mr. Schaffer | | x | | | | | |
| Mr. Gibbons | | x | | | | | |
| Mr. Crapo | | | | TOTAL | 12 | 19 | |

Congressman Miller then offered two amendments *en bloc*. Miller amendment #2 added riparian management, including wide protection zones, to the list of resource management activities described in subsection 2(d) of the bill. Miller amendment #3 removed the authority to use funds allocated for the general administration of the three national forests for QLG activities, and restricted the Secretary to only those funds specifically appropriated to the Forest Service for implementing activities according to the QLG proposal. The *en bloc* amendment failed by voice vote. (It should be noted that the Chenoweth amendment in the nature of a substitute included a riparian protection system that was more specific than Miller amendment #2.) The Chenoweth amendment in the nature of a substitute was adopted by voice vote and the bill as amended was ordered favorably reported to the House of Representatives, in the presence of a quorum, by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

Section 1 describes the short title of the bill, the “Quincy Library Group Forest Recovery and Economic Stability Act of 1997.”

Section 2. Pilot Project for Plumas, Lassen, and Tahoe National Forests to Implement Quincy Library Group Proposal

Section 2 defines the pilot project area and provides direction for implementation of the project over a five-year period. More specifically, this section:

(a) defines the pilot project for implementation of the QLG proposal, which is based on the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities in Northern California, and the map entitled “QUINCY LIBRARY GROUP Community Stability Proposal” dated June 1993.

(b) directs the Secretary of Agriculture, acting through the Forest Service, to conduct the pilot project on certain federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest in California.

(c)(1) excludes spotted owl habitat areas and protected owl activity centers from resource management activities for the duration of the pilot project.

(c)(2) for forest management activities, directs the use of guidelines for riparian system protection for timber harvesting activities that were prepared by a Forest Service Scientific Analysis Team in the document, “Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest,” and used in the President’s forest plan for the Pacific Northwest.

(d) directs the Secretary to construct fuelbreaks and utilize group and individual tree selection in implementing the project.

(e) directs the Secretary to use the most cost-effective means available to implement the resource management activities.

(f) directs that the Secretary shall not use the resource management activities described in subsection (d) as a basis for adminis-

tratively limiting other multiple use activities on federal lands within the pilot project area.

(g) limits the source of funds for implementation of the project to those funds specifically provided by the Secretary to begin implementing resource management activities under the QLG proposal and other funds allocated for the administration of the three applicable National Forest units, and provides flexibility in the allocation and use of those funds.

(h) describes the five-year term of the pilot project, beginning on the date of enactment.

(i) requires the Regional Forester for Region 5 (California) to initiate forest plan amendments or plan revisions for the Plumas National Forest, Lassen National Forest, and Tahoe National Forest within 180 days of enactment, with at least one alternative for each plan amendment or revision that incorporates the pilot project, area designations, and management activities, and with any other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969, section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), and other applicable laws.

(j) requires the Secretary to submit to Congress annual reports, after consultation with the QLG on the status of the pilot project. The report shall include: a complete accounting of funds made available, funds used and accounts made available; a description of acres treated; a description of economic benefits to local communities achieved; a comparison of revenues generated and costs incurred; and a schedule for the resource management activities to be undertaken during the calendar year. This subsection limits the amount to be expended on each annual report to no more than \$30,000.

(k) requires the Secretary to compile a science-based assessment of, and report on, the effectiveness of the pilot project, beginning after the fourth year of the project. This subsection limits the amount expended for the report to \$100,000.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of Rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 858.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 858. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely

submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 858 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 858.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 858 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., June 17, 1997.

Hon. DON YOUNG,
*Chairman, Committee on Resources, U.S. House of Representatives,
Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 858—Quincy Library Group Forest Recovery and Economic
Stability Act of 1997*

Summary.—H.R. 858 would direct the Secretary of Agriculture to conduct a five-year pilot project on the Plumas and Lassen National Forests, and portions of the Tahoe National Forest, to implement resource management activities as recommended in the Quincy Library Group Proposal of 1993. CBO estimates that discretionary outlays to implement the bill would be \$30 million in fiscal year 1998 and a total of \$83 million over the 1998–2002 period, assuming appropriation of the estimated amounts. Implementing the bill could lead to an increase in offsetting receipts from timber harvests, but enacting H.R. 858 would not, by itself, affect direct spending or receipts; hence, pay-as-you-go procedures do not apply to the bill.

H.R. 858 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments.

Description of the bills' major provisions.—H.R. 858 would direct the Secretary of Agriculture to conduct a pilot project on the Plumas and Lassen National Forests and the Sierraville Ranger District of the Tahoe National Forest, excluding certain protected areas, to carry out resource management activities as recommended in the Quincy Library Group (QLG) Proposal of 1993. The bill would require the Secretary to implement these resource management activities on not less than about 49,000 acres and no more than 70,000 acres each year for the 1998–2002 period. According to the U.S. Forest Service, the bill's forest management requirements would (1) increase the total acreage on which they carry out fuels management activities, (2) result in fuels management on different areas than under current practice, and (3) change the type of silvicultural methods used to reduce fuels on that acreage, thereby increasing the volume of trees and brush removed from the area. The primary intent of the QLG proposal is to reduce the risk of high intensity wildfires which are the inadvertent result of years of suppressing low intensity fires that allowed fuel to accumulate in the forests.

Section 2(d)(1) would require the Forest Service to construct fuelbreaks in the pilot project area on between 40,000 and 60,000 acres per year. Fuelbreaks are areas of a forest where trees and other vegetation have been thinned to reduce the amount of material available to fuel wildfires. The QLG recommends creating an irregularly shaped network of one-quarter mile wide strips (also known as “defensible fuel profile zones,” or DFPZs) criss-crossing the pilot project area to support fire suppression activities. Under the silvicultural methods recommended by the QLG, the Forest Service would thin these strips to remove understory fuel while retaining sufficient crown cover to slow the growth of new vegetation.

Section 2(d)(2) would require the Forest Service to use certain silvicultural methods to achieve the forest conditions desired by the QLG. Specifically, the bill would require that trees be removed by “group selection” on 0.57 percent of the lands covered by the pilot project (the Lassen, Plumas, and portions of the Tahoe National Forests), about 9,300 acres each year. Group selection refers to the silvicultural practice of removing all timber within an area up to two acres in size. The bill also would permit individual tree selection within the pilot project area.

The bill would direct the Secretary to begin the five-year pilot project upon enactment. The project would end either after five years, or whatever the Forest Service completes revisions of the land and resource management plans for the three affected national forests, whichever is later. The bill would require the Secretary to submit annual status reports and final evaluation of the pilot project to the Congress. The bill specifies that expenditures for each annual report not exceed \$30,000, and that expenditures for the final report not exceed \$100,000.

The bill does not authorize any appropriations to implement the bill's requirements. Section 2(g) requires that the pilot project be

implemented using funds specifically provided to the Forest Service by the Secretary of Agriculture for that purpose, and any other funds allocated for administering the three affected national forests, but prohibits the Secretary from using funds appropriated for any other unit of the National Forest System. Section 2(g) gives the forest supervisors of the three affected national forests the flexibility to use funds from all accounts available for administering those forests to perform the resource management activities required by the bill. Section 2(f) states that the Secretary shall not rely on the resource management activities required by the bill as a basis for administrative action limiting other multiple use activities on federal lands within the pilot project area.

Estimated cost to the Federal Government.—Based on information from the U.S. Forest Service, CBO estimates that discretionary outlays to implement this bill would be about \$30 million in fiscal year 1998 and a total of \$83 million over the 1998–2002 period, assuming appropriation of the estimated amounts. Implementing the bill’s provisions could lead to a significant increase in offsetting receipts from future timber harvests in the affected forests, but any such change is contingent upon the appropriation of funds to implement those provisions. Hence, enacting H.R. 858 would not, by itself, affect offsetting receipts. The estimated budgetary impact of H.R. 858 is shown in the following table.

[By fiscal year, in millions of dollars]

| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|--|------|------|------|------|------|------|
| SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Spending under current law: | | | | | | |
| Budget authority ¹ | 5 | 0 | 0 | 0 | 0 | 0 |
| Estimated outlays | 5 | 0 | 0 | 0 | 0 | 0 |
| Proposed changes: | | | | | | |
| Authorization level | 0 | 36 | 23 | 12 | 9 | 4 |
| Estimated outlays | 0 | 30 | 24 | 14 | 10 | 5 |
| Spending under H.R. 858: | | | | | | |
| Authorization level ¹ | 5 | 36 | 23 | 12 | 9 | 4 |
| Estimated outlays | 5 | 30 | 24 | 14 | 10 | 5 |

¹ The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget function 300 (natural resources and environment).

Basis of estimate.—According to the U.S. Forest Service, the Secretary of Agriculture allocated \$5 million in each of fiscal year 1996 and 1997 to supplement the regular appropriations for the purpose of implementing resource management activities recommended by the QLG for the Plumas, Lassen, and Tahoe National Forests. CBO estimates a cost of \$30 million for 1998 to implement the QLG recommendations, an increase of about \$25 million relative to this year. Implementation costs would gradually decline over the five years of the pilot project, resulting in total outlays of \$83 million over the 1998–2002 period. We derived that estimate by summing estimated costs for constructing the fuelbreaks required by the bill, carrying out the group selection, conducting associated pilot project planning and environmental reviews, and revising the land management plans for the forests.

CBO estimates that constructing the required fuelbreaks would require outlays of about \$25 million in fiscal year 1998 and a total

of \$62 million over the 1998–2002 period. Outlays to implement the group selection would be about \$4 million in fiscal year 1998 and would total \$14 million over the 1998–2002 period. The costs of planning and environmental reviews required before the resource management activities could be carried out are included in the above estimates. Revising the land management plans would cost about \$2 million in fiscal year 1998 and \$8 million over the 1998–2002 period.

Assuming appropriation of the estimated amounts, CBO expects that the fuelbreak construction and group selection required by the bill would result in additional timber harvest volumes from the pilot project area. The potential increase in such volumes is about 60 million board feet in the first year and about 250 million board feet per year in the subsequent years of the pilot project. In fiscal year 1995, a combined total of about 210 million board feet was harvested on the Lassen, Plumas, and Tahoe National Forests, and future harvest levels are expected to decline significantly under current law. The potential additional harvest volumes from implementing the requirements in H.R. 858 could reduce direct spending by \$2 million in fiscal year 1998 and by \$88 million over the 1998–2002 period. That net change in direct spending would reflect additional offsetting receipts of \$109 million over the 1998–2002, and additional mandatory spending (such as required payments to states) of \$21 million over the same period. Actual receipts could vary significantly (higher or lower) from these estimates depending on which acres are treated, the volume and value of the timber inventory on those acres, and the time required to plan and carry out the forest management activities. In any case, because implementation of the pilot project would be contingent on additional appropriations, CBO estimates no change in direct spending (including offsetting receipts) from enacting H.R. 858.

Pay-as-you-go considerations.—None.

Estimated impact on state, local, and tribal governments.—H.R. 858 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. States generally receive 25 percent of the timber receipts from national forests within their borders. Assuming appropriation of the estimated amounts necessary to implement this bill, CBO expects that the state of California would receive additional payments of about \$18 million over the 1998–2002 period.

Estimated impact on the private sector.—The bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by.—Federal Costs: Victoria V. Heid. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by.—James R. Horney for Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 858 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 858 would make no changes in existing law.

DISSENTING VIEWS

We are opposed to H.R. 858 in its present form. Although we support cooperative efforts on forest management issues, we have very serious concerns about how the goals and ideas developed through the Quincy Library Group (QLG) process have been turned into legislative language. Members should be aware that H.R. 858 does not reflect important aspects of the QLG proposal nor does it reflect commitments made by QLG proponents.

We are troubled by the majority's rush to report this legislation, especially in light of the efforts by Under Secretary Jim Lyons to meet with all interested parties in an attempt to address the serious problems that exist with this legislation. As Michael Jackson of the QLG stated in testimony before the Committee "This bill is not yet bipartisan. It does not reflect our local agreement, nor the emerging national consensus." That was true then and it is still true today. Although some changes have been made to the bill, there are still serious shortcomings to this legislation that are troubling to the Administration, Members of Congress, environmental organizations, and other interested parties. When attempts were made to address some of these shortcomings in Committee, the majority choose to reject necessary and common-sense amendments to the bill.

On the important question of compliance with environmental laws, the majority rejected an amendment offered by Rep. Miller of California that would have included such language in the bill. This action was taken by the Committee despite the fact that the Administration was assured by representatives of the QLG and the bill's sponsor that language would be included that would make it clear that existing laws must be followed along with the California Spotted Owl (CASPO) guidelines. The lack of such language is a fatal flaw. As the Administration noted in its testimony "we did not see how this (QLG) proposal could serve as a true demonstration if these conditions were not met."

We are also deeply troubled by the majority's rejection of the Miller amendment on riparian management. The language of the amendment was taken directly from the QLG proposal. The absence of such language shows that H.R. 858 does not even embody the entire QLG proposal. Instead, the Committee adopted the Chenoweth amendment that only references riparian areas in the context of timber harvesting and ignored an active riparian management and restoration program. The QLG proposal does not refer to riparian management as a subset of timber harvesting, instead the QLG proposal says riparian management and restoration is one of its three key objectives.

Other problems with the bill involve the size of the "pilot" project (three national forests covering 2.5 million acres); the use of other forest accounts to pay for the project; lack of definition of key

terms; and the scientific basis for the forest management procedures called for in the bill. As Don Erman, team leader of the Congressionally sponsored Sierra Nevada Ecosystem Project noted "the pending bill provides little support for scientific evaluation of the proposed new management yet in many ways the ideas are untested."

In addition to these and other problems with the bill, we must question the need for legislation itself. As the Administration noted in its testimony, much of the bill could be implemented administratively under current law. In fact, in the last two years, Secretary Glickman has made available to the three affected national forests more than \$5 million for forest activities consistent with the QLG proposal and forest plan standards and guidelines.

We support public participation in the management of our national forests. However, the issues addressed by H.R. 858 go far beyond the interests of the 25 individuals and organizations who are part of the Quincy Library Group. Setting up in statutory language management of national forests by committee, especially one made up of only local individuals, is a troubling precedent. People across California, indeed, across this country have a stake in the management of the Plumas, Lassen and Tahoe National Forests.

Proponents of H.R. 858 have taken to dismissing opposition to H.R. 858 as only coming from what they term as "national" environmental organizations. These groups are made up of millions of Americans who have an interest in our national forests. More important, we are unaware of a single environmental organization in the Quincy area or the rest of the State of California that supports H.R. 858. Combined with the concerns of the Administration, Members of Congress, and others, the problems with H.R. 858 are indeed national in scope.

H.R. 858 does not represent a consensus proposal. In fact, the bill does not even represent the QLG proposal. Unless the serious shortcomings of this bill are addressed and a true consensus proposal developed, we will continue to oppose H.R. 858.

GEORGE MILLER.

MAURICE HINCHEY.

BRUCE VENTO.

WILLIAM DELAHUNT.

DONNA CHRISTIAN-GREEN.

CARLOS ROMERO-BARCELÓ.

A P P E N D I X

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 3, 1997.

Hon. ROBERT F. SMITH,
*Chairman, Committee on Agriculture, Longworth House Office
Building, Washington, DC.*

DEAR MR. CHAIRMAN: On May 21, 1997, the Committee on Resources ordered reported H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997. The bill, authored by our colleague Congressman Wally Herger, was referred primarily to the Committee on Resources and additionally to the Committee on Agriculture.

This bill authorizes a pilot project on selected National Forest System lands in California to test the effectiveness of a resources management program. This program brings together a coalition of timber, environmental, and government interests and local citizens to strike a balance between resource protection and resource management. I believe the program that they developed strikes this difficult balance fairly and effectively.

The bill has bipartisan support, and I would like to move the bill as quickly as possible to allow the pilot project to get under way without delay. Therefore, I ask that you waive your Committee's referral of the bill to allow it to be brought to the Floor expeditiously. This referral would not constitute a waiver of your jurisdiction over the bill or serve as precedent for other similar matters. If a conference becomes necessary on H.R. 858 or a companion Senate bill, I would certainly support your request for conferees. Finally, I would be pleased to include this letter and any response in the Committee on Resources' report on the bill.

I appreciate your cooperation on this matter and look forward to working with you in both the Resources and Agriculture Committees on other forest and forest health issues this Congress.

Sincerely,

DON YOUNG,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 4, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of the Committee report for H.R. 858, a bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resources management activities, as ordered reported by your Committee.

The Committee on Agriculture received an additional referral of H.R. 858 inasmuch as the subject matter of the bill is also within this Committee's jurisdiction. However, in the interest of expediting consideration of H.R. 858 and the interest both of our Committees have in ensuring that this bill, as you have reported it, is acted on promptly, this Committee is willing to waive further consideration of this bill so as to advance its early consideration in the House.

This action is not intended to waive this Committee's jurisdiction over this matter for all purposes, and should this legislation go to conference, this Committee reserves the right to request to be included as conferees on any provision within the Committee on Agriculture's jurisdiction in the event of a House-Senate conference on this bill or its Senate equivalent.

Once again, I appreciate your cooperation in this matter and look forward to working with you on this matter of shared jurisdiction between our respective committees.

Sincerely,

ROBERT F. (BOB) SMITH,
Chairman.

○

Calendar No. 257

105TH CONGRESS }
1st Session }

SENATE

{ REPORT
105-138

QUINCY LIBRARY GROUP FOREST RECOVERY AND
ECONOMIC STABILITY ACT OF 1997

NOVEMBER 4, 1997.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 858]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This act may be cited as the “Quincy Library Group Forest Recovery and Economic Stability Act of 1997”.

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) **DEFINITION.**—For purposes of this section, the term “Quincy Library Group-Community Stability Proposal” means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands

and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement (a record of decision for which shall be adopted within 300 days), shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS, RIPARIAN PROTECTION AND COMPLIANCE.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(C) LIMITATION.—Nothing in this section shall be construed to require the application of the Scientific Analysis Team guidelines to any livestock grazing in the pilot project area during the term of the pilot project, unless the livestock grazing is being conducted in the specific location at which the Scientific Analysis Team guidelines are being applied to an activity under subsection (d).

(3) COMPLIANCE.—All resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Sierran Province Interim Guidelines or the subsequently issued guidelines, whichever are in effect.

(4) ROADLESS AREA PROTECTION.—The Regional Forester for Region 5 shall direct that any resource management activity required by subsection (d) (1) and (2), all road building, all timber harvesting activities, and any riparian management under subsection (d)(4) that utilizes road construction or timber harvesting shall not be conducted on Federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest that are designated as either "Off Base" or "Deferred" on the map referred to in subsection (a). Such direction shall be effective during the term of the pilot project.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to

achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

- (A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.
- (B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.
- (3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.
- (4) RIPARIAN MANAGEMENT.—(A) program of riparian management, including wide protection zones and riparian restoration projects, consistent with riparian protection guidelines in subsection (c)(2)(B).
- (e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available as determined by the Secretary, to implement resource management activities described in subsection (d).
- (f) FUNDING.—
- (1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use, subject to the relevant reprogramming guidelines of the House and Senate Committees on Appropriations—
- (A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and
- (B) year-end excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.
- (2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.
- (3) FLEXIBILITY.—Subject to normal reprogramming guidelines, during the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain year-end excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).
- (4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.
- (5) OVERHEAD.—The Secretary shall seek to ensure that of amounts available to carry out this section—
- (A) not more than 12 percent is used or allocated for general administration or other overhead; and
- (B) at least 88 percent is used to implement and carry out activities required by this section.
- (6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.
- (7) BASELINE FUNDS.—Amounts available for resource management activities authorized under subsection (d) shall at a minimum include existing baseline funding levels.
- (g) TERM OF THE PILOT PROJECT.—The Secretary shall conduct the pilot project until the earlier of: (1) the date on which the Secretary completes amendment or revision of the land and resource management plans for the Plumas National Forest, Lassen National Forest, and Tahoe National Forest; or (2) five years after the date of the commencement of the pilot project.
- (h) CONSULTATION.—(1) The statement required by subsection (b)(1) shall be prepared in consultation with interested members of the public, including the Quincy Library Group.
- (2) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.
- (i) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 2 years after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group-Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(j) STATUS REPORTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary shall submit to Congress a report on the status of the pilot project. The report shall include at least the following.

(A) A complete accounting of the use of funds made available under subsection (f)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A proposed schedule for the resource management activities to be undertaken in the pilot project area during the 1-year period beginning on the date of submittal of the report.

(G) A description of any adverse environmental impacts from the pilot project.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed \$125,000.

(k) FINAL REPORT.—

(1) IN GENERAL.—The Secretary shall establish an independent scientific panel to review and report on whether, and to what extent, implementation of the pilot project under this section achieved the goals stated in the Quincy Library Group-Community Stability Proposal, including improved ecological health and community stability. The membership of the panel shall reflect expertise in diverse disciplines in order to adequately address all of those goals.

(2) PREPARATION.—The panel shall initiate such review no sooner than 18 months after the first day of the term of the pilot project under subsection (g). The panel shall prepare the report in consultation with interested members of the public, including the Quincy Library Group. The report shall include, but not be limited to, the following:

(A) A description of any adverse environmental impacts resulting from implementation of the pilot project.

(B) An assessment of watershed monitoring data on lands treated pursuant to this section. Such assessment shall address the following issues on a priority basis: timing of water releases; water quality changes; and water yield changes over the short- and long-term in the pilot project area.

(3) SUBMISSION TO THE CONGRESS.—The panel shall submit the final report to the Congress as soon as practicable, but in no case later than 18 months after completion of the pilot project.

(4) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended for the report under this subsection, other than for watershed monitoring, shall not exceed \$350,000. The amount of Federal funds expended for watershed monitoring under this subsection shall not exceed \$175,000 for each fiscal year in which the report is prepared.

(l) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

(m) LOANS FOR DEMONSTRATION PROJECTS FOR WOOD WASTE OR LOW-QUALITY WOOD BYPRODUCTS.—

(1) EVALUATION OF LOAN ADVISABILITY.—The Alternative Agricultural Research and Commercialization Corporation established under section 1658 of

the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) (in this section referred to as the "Corporation") shall evaluate the advisability of making commercialization assistance loans under section 1661 of such Act (7 U.S.C. 5905) to support a minimum of 2 demonstration projects for the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products.

(2) LOCATION OF DEMONSTRATION PROJECTS.—If the Corporation determines to make loans under this subsection to support the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products, the Corporation shall consider making one loan with regard to a demonstration project to be conducted in the pilot project area and one loan with regard to a demonstration project to be conducted in southeast Alaska.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan under this subsection, a demonstration project shall be required to satisfy the eligibility requirements imposed by the Corporation under section 1661 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5905).

PURPOSE OF THE MEASURE

The purposes of H.R. 858, as ordered reported, are to direct the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in California; to determine whether the resource management activities proposed by the Quincy Library Group are effective; and to consider the incorporation of those management activities, as appropriate, in the amendments of, or revisions to, the current land and resource management plans for these national forests.

BACKGROUND AND NEED FOR THE LEGISLATION

The "Quincy Library Group Forest Recovery and Economic Stability Act of 1997" directs the Secretary of Agriculture to implement a pilot project on federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest in California. These forests total about 2.5 million acres. The project is designed to maintain ecological integrity, community stability, and forest health; and to initiate forest plan amendments or revisions to evaluate the incorporation of the Quincy Library Group (QLG) resource management activities into the forest plans.

H.R. 858 is based on the QLG Community Stability Proposal of 1993, which was developed by a coalition of representatives from environmental organizations, the wood products industry, citizens, elected officials, and local communities in northern California. The proposal is intended to represent a locally-developed, consensus-based resource management program for the applicable federal lands in a portion of the Sierra Nevada ecosystem.

H.R. 858 directs the Secretary of Agriculture, acting through the Forest Service, to construct fuelbreaks, utilize individual tree selection and group selection, establish a riparian management program, and conduct monitoring in an effort to reduce the risk of catastrophic fire and improve watersheds, consistent with the 1993 proposal within the pilot project area. That area totals approximately 1.6 million acres. The bill excludes all roadless lands from the activities authorized for the duration of the pilot project. The timber removed for construction of the fuelbreaks and by group and individual tree selection can be utilized in mills that process the material into lumber and other wood products. Biomass that is re-

moved can be utilized to produce energy and other, higher value products.

The bill preserves for the duration of the pilot project all remaining roadless areas on the two National Forests and one ranger district on a third National Forest. This is a central component of the QLG plan, and is accomplished by directing that fuelbreak activities be carried out only in areas that are “available for group selection” on the map that outlines the QLG land base areas. Fuelbreak strategies involving “defensible fuel profile zones” (DFPZs) are recognized by current scientific literature, such as the Sierra Nevada Ecosystem Project (SNEP), completed in June 1997.

The QLG plan was drawn from relevant parts of the available scientific literature concerning the Sierra Nevada area and contains an extensive compilation of scientific information and theories on the ecosystem of the Sierra Nevada area. SNEP recognizes the validity of using DFPZs, the key component of the QLG plan, as a way to restoring a natural balance in forests:

[DFPZs] should be viewed as an initial step in bringing large portions of landscapes into more defensible and fire resilient conditions. As the hazard level of various landscapes is brought down, the DFPZs will tend to blend into the surrounding landscapes. It must be recognized that desirable fuels conditions, once achieved, will require periodic maintenance or conditions will revert to hazardous states. (Sierra Nevada Ecosystem Project, Volume 1, Chapter 4, Page 70.)

The SNEP report also recognizes the value of late-successional old-growth forest conditions, which are fostered in the QLG plan (Sierra Nevada Ecosystem Project, Volume 1, Chapter 6). For the term of the pilot project, H.R. 858 does not authorize any timber management activities within the roadless areas—areas that contain late successional old-growth trees.

H.R. 858 directs that resource management activities be implemented consistent with applicable environmental and resource standards and guidelines which are drawn from law and regulation. In addition, the bill directs that resource management activities be implemented consistent with the California spotted owl report (CASPO) interim guidelines.

The Secretary has funded specific projects designed to approximate the QLG plan during the past three years: \$1 million in fiscal year 1995; \$4.7 million in fiscal year 1996; and \$4.7 million in fiscal year in 1997. In addition, QLG-like activities have relied on funding allocated to the ordinary accounts of these national forests through the normal budgeting process. Funding provided to date has resulted in little on-the-ground work approximately the series of “strategic fuel breaks” designed to reduce the risk of fire. Work done by the Forest Service over the past two and one-half years is not equal in scope to that envisioned by the QLG plan due to the funding levels necessary to implement such a large-scale project. Since additional funds will be needed to implement the provisions of H.R. 858, the bill provides flexibility in subsection 2(f) for the Secretary to provide funds through reprogramming and administrative flexibility.

The development of the Quincy Library Group pilot project represents a unique situation involving a locally-developed consensus approach to public land management. As such, this approach has been studied by public land managers, policy makers, and scholars of public land management. Implementation of the pilot project will also be the subject of congressional oversight and review to assess the success of the project, as well as any broader implications for improved federal land management. The Committee is aware that future locally-developed, consensus-based alternatives for federal land management may be evaluated during the land and resource management planning processes of the relevant federal land managing agencies. However, legislation should not be necessary to accommodate thoughtful consensus-based approaches to Federal land management that comply with applicable environmental and other laws. Therefore, the committee does not anticipate reporting any additional legislative initiatives comparable to the Quincy Library Bill.

Since H.R. 858 directs implementation of a pilot project, the ultimate results of this legislation are very uncertain. The Committee notes that this bill directs implementation of an experimental pilot in two respects: it legislates a management plan for a few identified forests; and it directs the Secretary to conduct experimental management activities. Therefore, the Committee plans to carefully review and monitor its implementation and results before supporting the initiation of any similar projects. The Committee generally believes that individual national forests should not be managed by specialized statute.

LEGISLATIVE HISTORY

H.R. 858 was introduced on February 27, 1997, by Congressman Wally Herger and passed the House on July 15, 1997.

On July 17, 1997, Senator Diane Feinstein and Senator Barbara Boxer introduced S. 1028, a companion measure to the bill passed by the House. S. 1028 and H.R. 858 were referred to the Committee on Energy and Natural Resources. On July 24, 1997, the Subcommittee on Forests and Public Land Management held a hearing on S. 1028 and H.R. 858.

At the business meeting on October 22, 1997, the Committee on Energy and Natural Resources ordered H.R. 858, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on October 22, 1997, by unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 858, if amended as described herein.

COMMITTEE AMENDMENTS

During consideration of H.R. 858, the Committee initially agreed to an amendment in the nature of a substitute (offered by Senator Craig) as original text for the purpose of further amendment. The Committee then adopted an amendment offered by Senator Bumpers. The Bumpers amendment struck subsection 2(g) in its entirety

and substituted alternative language. The alternative language specified that the term of the pilot project shall be until the earlier of: (1) the date on which the Forest Service completes amendments of, or revision to, the land and resource management plans for the Plumas, Lassen, and Tahoe National Forests pursuant to subsection (i); or (2) five years after the date of the commencement of the pilot project. Land and resource management plan amendments unrelated to the direction provided in subsection (i) will not affect the term of the pilot project.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Quincy Library Group Forest Recovery and Economic Stability Act of 1997.”

Section 2(a) defines the term “Quincy Library Group—Community Stability Proposal,” and provides a map reference.

Subsection (b) sets forth the purpose of the Act and describes the pilot project area. This subsection directs the Forest Service to complete an environmental impact statement and a record of decision within 300 days of enactment to commence the pilot project.

Subsection (c) specifies certain lands which will be excluded from resource management activities implemented pursuant to the Act. These areas include all spotted owl habitat areas and protected activity centers, as well as all areas designated as either “off-base” or “deferred” on the map of the project area referenced in subsection (a).

Subsection (c) of the bill describes areas for which resource management activities under the Act, timber harvesting, and road construction will be excluded. These areas include all spotted owl habitat areas and protected activity centers, as well as all areas designated as either “off-base” or “deferred” on the map of the project area referenced in subsection (a). The off-base and deferred areas may not include all of the late successional old growth areas in the project area. The Committee expects that the Forest Service will avoid scheduling timber harvesting and road construction activities in these late successional old growth stands that are neither off-base, nor deferred. At the same time, the Committee expects the Forest Service to address individual, human safety-related, hazard trees in these stands and in off-base and deferred areas.

This subsection also specifies that the Scientific Analysis Team (SAT) guidelines for riparian system protection shall apply to all resource management activities conducted pursuant to subsection (d). Application of the SAT guidelines is not directed in the three national forests generally. The guidelines shall not apply to any livestock grazing in the pilot project area, unless the livestock grazing is being conducted in the specific location at which the guidelines are otherwise being applied to a resource management activity conducted pursuant to subsection (d). The Scientific Analysis Team guidelines shall, to the extent practicable, be applied in a manner such that no individual grazing allotment will be unduly burdened by application of the guidelines.

The Scientific Advisory Team guidelines specified in subsection (c) provide for mitigation and adaptive management. If subsequent analysis reexamines the applicability of the SAT mitigation meas-

ures, such measures may be modified and remain consistent with the intent of the SAT guidelines for the QLG forests.

Paragraph (3) specifies that resource management activities conducted pursuant to subsection (d) shall be implemented consistent with applicable Federal law and the California Spotted Owl Sierran Province Interim Guidelines or any subsequently issued guidelines which take effect.

Subsection (d) describes the type and amount of resource management activities that will be carried out during the term of the pilot project. While the Plumas, Lassen, and affected portions of the Tahoe National Forest total about 2.5 million acres, the pilot project area is approximately 1.6 million acres. Paragraph (1) directs fuelbreak construction on not less than 40,000, but not more than 60,000, acres per year. Paragraph (2) directs group selection each year on an acreage totaling 0.57 percent of the pilot project land area, and individual tree selection throughout the pilot project area. Paragraph (3) limits the total acreage on which resource management activities are implemented to no more than 70,000 acres for each year of the pilot project. Paragraph (4) directs a program of riparian management, including wide protection zones and riparian restoration projects. The Committee understands that paragraph (4) specifies a riparian management program which could also include activities such as road maintenance and a road obliteration program that enhances the ecological health of the riparian area.

It is the Committee's intent that any timber sales authorized under this subsection will be offered in lieu of, and not in addition to, the regularly scheduled timber sale program during the term of the pilot project. It is further anticipated that most timber sale projects already underway may be completed consistent with existing law and policy before the record of decision for the pilot project is signed and the term of the pilot project begins, or will be completed under the contract terms.

The Committee believes, based upon representations by the Administration, that the goals of the pilot project are achievable. Nevertheless, the Committee understands that the requirements of the bill may have, among others, the following effects. First, the application of subsection (c), in addition to the environmental analysis conducted in preparing the Environmental Impact Statement required by subsection (b), may cause the Forest Service to fall short of the acreage levels specified in subsection (d). Second, the application of subsection (c), in addition to the site-specific environmental analysis and administrative appeals of projects under the pilot project, may cause the acreage treated to fall short of the levels proposed in earlier scoping documents. If this occurs, the Committee understands that the annual amount of acreage treated may be less than the acreage figures anticipated in the record of decision adopted under subsection (b). Finally, the EIS required in subsection (b) and project decision documents must result in a program of work that is consistent with all applicable environmental, and other Federal laws.

Subsection (e) directs that the Secretary use the most cost-effective means available in conducting the pilot project.

Subsection (f) provides the Forest Service with the flexibility to use a variety of funding sources to implement the pilot project. In addition to funds specifically provided to the Forest Service through the normal appropriations process to implement resource management activities in accordance with the pilot project, authority is provided to use any year-end excess funds for the administration of the three affected national forests. Paragraph (5) provides the Forest Service with direction to seek to assure that not more than 12 percent of available funds are allocated for general administration or other overhead. The subsection (f) provisions are designed to either provide flexibility for land managers to utilize under certain conditions appropriated funds to implement the QLG pilot program, or to help ensure that land managers are accountable and control costs.

The Committee understands that the acreage treated per year may be less than the acreage figures anticipated in the record of decision under subsection (b) because of limited availability of funding and appropriations authorized by subsection (f). The Department of Agriculture has made funds available from its existing Forest Service budget to fund approximately 30 to 40 percent of the Quincy Library Group proposal. The Committee understands that this funding will be provided on the condition that other programs conducted in the pilot project area and other national forests are not affected, consistent with subsection (f). The Committee understands that to implement the entire program will require Congress to provide additional appropriations specifically for this project.

Subsection (g) specifies that the Secretary shall conduct the pilot project until the earlier of the date on which the Forest Service has completed a relevant amendment or revision to all three of the affected national forest land and resource management plans as provided for in subsection (i), or five years after the commencement of the pilot project. The pilot project shall commence on the date that the record of decision for the project required by paragraph 2(b)(1) takes effect.

Subsection (h) requires the Forest Service to consult with interested members of the public, including the Quincy Library Group, in developing the Environmental Impact Statement required by subsection (b)(1).

Subsection (i) directs the Forest Service to initiate the plan amendments or revisions referenced in subsection (g) within two years after the date of enactment of this Act. This subsection further directs that the plan amendment or revision process include the preparation of at least one alternative that: (1) incorporates the pilot area designations in subsection (b), the type and amount of resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and (2) makes any other changes warranted by subsequent analysis conducted in compliance with the National Environmental Policy Act and other applicable laws.

It is the Committee's understanding that the Forest Service will complete the environmental impact statement and Record of Decision required by subsection 2(b)(1) and implement the pilot project before commencing the plan amendment or revision process required by subsection (2)(i). Under the terms of subsection (g)(1), the

pilot project will not terminate in less than five years from the date of commencement unless the Forest Service completes the amendments or revisions to land and resource management plans for all three affected national forests, pursuant to subsection (i).

Subsection (j) provides that, not later than February 28 of each year during the term of the pilot project, the Secretary shall submit to Congress a report on the status of the project. Paragraph (1) specifies the contents of each annual report. Paragraph (2) caps expenditures for each annual report at \$125,000. Each annual report should include a review of the status of any plan amendments or revisions undertaken pursuant to subsection (i).

Subsection (k) directs the Secretary of Agriculture to establish an independent, scientific panel to prepare a final report on whether, and to what extent, implementation of the pilot project achieved the goals stated in the Quincy Library Group Community Stability Proposal. Paragraph (2) specifies the contents of the final report. Paragraph (3) directs the Secretary to submit the independent, final report to Congress no later than 18 months after the completion of the pilot project. Paragraph (4) provides limitations on expenditures for the final report.

Subsection (l) states that nothing in the Act exempts the pilot project from any environmental law.

Subsection (m) directs the Alternative Agricultural Research and Commercialization Corporation to evaluate the advisability of making loans under the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 5905) to support 2 demonstration projects for the development and demonstration of commercial application of technology to convert wood waste or low-quality wood by products into usable, higher value products. To be eligible for such a loan, such demonstration projects must satisfy the eligibility requirements imposed by the Corporation pursuant to the 1990 Act. This subsection further directs that, if the Corporation decides to make such loans, the Corporation is required to consider one demonstration project in the pilot project area, and the other in southeast Alaska.

COST AND BUDGETARY ANALYSIS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 3, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 858—Quincy Library Group—Forest Recovery and Economic Stability Act of 1997

Summary: H.R. 858 would direct the Secretary of Agriculture to conduct a five-year pilot project on the Plumas and Lassen National Forests, and portions of the Tahoe National Forest, to implement resource management activities as recommended in the Quincy Library Group Proposal. CBO estimates that new discretionary outlays to implement H.R. 858 would be \$3 million in fiscal year 1998 and a total of \$70 million over the 1998–2002 period, assuming appropriation of the estimated amounts. Implementing the legislation could lead to an increase in offsetting receipts from timber harvests, but enacting H.R. 858 would not, by itself, affect direct spending or receipts; hence, pay-as-you-go procedures do not apply to the act.

H.R. 858 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments.

Description of the act's major provisions: H.R. 858 would direct the Secretary of Agriculture to conduct a pilot project on the Plumas and Lassen National Forest and the Sierraville Ranger District of the Tahoe National Forest, excluding certain protected areas, to carry out resource management activities as recommended in the Quincy Library Group (QLG) Proposal. The legislation would require the Secretary to implement these resource management activities on not less than about 49,000 acres and no more than 70,000 acres each year for the five-year term of the pilot project if doing so is consistent with all environmental laws. According to the U.S. Forest Service, the act's forest management requirements would (1) increase the total acreage on which they carry out fuels management activities, (2) result in fuels management on different areas than under current practice, and (3) change the type of silvicultural methods used to reduce fuels on that acreage. The primary intent of the QLG proposal is to reduce the risk of high intensity wildfires which are the inadvertent result of years of suppressing low intensity fires that allowed fuel to accumulate in the forests.

Section 2(d)(1) would require the Forest Service to construct fuelbreaks in the pilot project area between 40,000 and 60,000 acres per year. Fuelbreaks are areas of a forest where trees and other vegetation have been thinned to reduce the amount of material available to fuel wildfires. Section 2(d)(2) would require the Forest Service to use certain silvicultural methods to achieve the forest conditions desired by the QLG. Specifically, H.R. 858 would require that trees be removed by "group selection" on 0.57 percent of the lands covered by the pilot project (the Lassen, Plumas, and portions of the Tahoe National Forests), about 9,300 acres each year. Group selection refers to the silvicultural practice of removing all timber within an area up to two acres in size. The legislation also would permit individual tree selection within the pilot project area.

H.R. 858 would direct the Secretary of Agriculture to begin the five-year pilot project following completion of an environmental impact statement (EIS). The Forest Service expects that the EIS

would take about one year to complete. The pilot project would end either after five years, or whenever the Forest Service completes revisions of the land and resource management plans for the three affected national forests, whichever is earlier. The legislation would require the Secretary to submit annual status reports on the pilot project to the Congress and specifies that expenditures for each report not exceed \$125,000. H.R. 858 would direct the Secretary to establish an independent scientific panel to review the pilot project and report to the Congress whether the project achieved the goals stated in the QLG proposal. The act specifies that expenditures for watershed monitoring in connection with the report are not to exceed \$175,000 per year, and that additional spending on the report is not to exceed a total of \$350,000.

H.R. 858 authorizes to be appropriated such sums as are necessary to carry out the pilot project. Section 2(f) provides that the pilot project may be funded by amounts specifically provided to the Forest Service for that purpose or year-end excess funds allocated for administering the three affected national forests, but prohibits the Secretary from using funds appropriated for any other unit of the National Forest System. Section 2(f) states that the Secretary shall not exercise the authority to use year-end excess funds in other accounts if doing so would limit other multiple use activities on federal lands for which those funds were available.

Section 2(m) would direct the Alternative Agricultural Research and Commercialization Corporation, an independent entity within the Department of Agriculture, to evaluate the advisability of making commercialization assistance loans to support two projects to demonstrate the commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher-value products. If such demonstration projects are supported, the agency is to consider one in the QLG pilot project area and one in southeast Alaska. CBO cannot predict whether the corporation would decide to make such loans following their evaluation, but in any case loans are made out of the corporation's revolving fund which is subject to appropriations action.

Estimated Cost to the Federal Government: Based on information from the U.S. Forest Service, CBO estimates that discretionary outlays to implement H.R. 858 would be about \$3 million in fiscal year 1998 and a total of about \$70 million over the 1998–2002 period, assuming appropriation of the estimated amounts. Implementing the act's provisions could increase offsetting receipts from future timber harvests in the affected forests, but any such change is contingent upon the appropriation of fund to implement those provisions, how the Forest Service implements the project, and whether the agency changes its existing timber program on the three affected forests. Hence, enacting H.R. 858 would not, by itself, affect offsetting receipts. The estimated budgetary impact of H.R. 858 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 350 (agriculture).

| | By fiscal years, in millions of dollars— | | | | | |
|--|--|------|------|------|------|------|
| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
| SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Spending Under Current Law: | | | | | | |
| Budget Authority ¹ | 5 | 5 | 0 | 0 | 0 | 0 |
| Estimated Outlays | 5 | 5 | 0 | 0 | 0 | 0 |
| Proposed Changes: | | | | | | |
| Authorization Level | 0 | 3 | 28 | 20 | 10 | 10 |
| Estimated Outlays | 0 | 3 | 24 | 21 | 11 | 11 |
| Spending Under H.R. 858: | | | | | | |
| Authorization Level ¹ | 5 | 8 | 28 | 20 | 10 | 10 |
| Estimated Outlays | 5 | 8 | 24 | 21 | 11 | 11 |

¹The 1997 level is the amount appropriated for that year. For fiscal year 1998, the agency expects to allocate a similar amount from an appropriations act that was recently cleared by the Congress (H.R. 2107).

Basis of estimate: According to the U.S. Forest Service, the Secretary of Agriculture allocated \$5 million in each of fiscal years 1996 and 1997 to supplement the regular appropriations for the purpose of implementing resource management activities recommended by the QLG for the Plumas, Lassen, and Tahoe National Forests. The agency expects to allocate a similar amount in fiscal year 1998. CBO estimates that implementing H.R. 858 would result in total additional outlays of about \$70 million over the 1998–2002 period (excluding the \$5 million in 1998 funding shown in the table as spending under current law). We derived that estimate by summing estimated costs for preparing an EIS, constructing the fuelbreaks, carrying out the group selection, conducting project-level planning and environmental reviews, and completing required reports and monitoring. These discretionary costs could be offset by savings if the Forest Service chooses to implement the pilot project in lieu of the current timber programs in those forests.

Based on information from the Forest Service, CBO estimates a cost of \$1 million for 1998 to complete an EIS before the pilot project would begin. Outlays to implement the group selection would be about \$2 million for advance planning in fiscal year 1998 and would total \$14 million over the 1998–2002 period. CBO estimates that constructing the fuelbreaks would require outlays of about \$19 million in fiscal year 1999 and a total of \$51 million over the 1999–2002 period. The estimated costs for project-level planning and environmental reviews are included in the above amounts for fuelbreak construction and group selection. H.R. 858 would accelerate the existing schedule for revising the land management plans for these forests, resulting in additional discretionary spending of about \$2 million over the 1999–2002 period.

Assuming appropriation of the estimated amounts, CBO expects that the fuelbreak construction and group selection required by H.R. 858 would result in timber harvest volumes from the pilot project area of about 165 million board feet in the first year and about 250 million board feet per year in the subsequent years of the pilot project. Such volumes could reduce direct spending by \$6 million in fiscal year 1999 and by \$74 million over the 1999–2002 period. That net change in direct spending would reflect gross offsetting receipts of \$90 million over the 1999–2002, and mandatory spending (such as required payments to states) of \$16 million over the same period. Actual receipts could vary significantly (higher or lower) from these estimates depending on which acres are treated,

the volume and value of the timber inventory on those acres, and the time required to plan and carry out the forest management activities. Whether such potential volumes are in addition to currently planned timber harvests or in lieu of current harvest levels would depend on how the Forest Service chooses to implement H.R. 858.

If the Forest Service stopped its current timber management program on the three national forests, discretionary savings of about \$5 million per year would offset additional costs to implement H.R. 858. (Because it is unclear whether such savings would be generated, the above table does not reflect that potential change in discretionary spending.) In any case, because implementation of the pilot project would be contingent on additional appropriations, CBO estimates no change in direct spending (including offsetting receipts) from enacting H.R. 858.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: H.R. 858 contains no intergovernmental mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. States generally receive 25 percent of the timber receipts from national forests within their borders. Assuming appropriation of the estimated amounts necessary to implement this legislation, CBO expects that the State of California could receive additional payments of \$13 million over the 1999–2002 period.

Estimated impact on the private sector; H.R. 858 would impose no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On June 17, 1997, CBO prepared a cost estimate for H.R. 858 as ordered reported by the House Committee on Resources on May 21, 1997. The two versions of H.R. 858 are similar, as are the cost estimates. The version ordered reported by the Senate Committee on Energy and Natural Resources requires completion of an EIS before the pilot project begins, which would delay implementation of the pilot project and change the timing of expected spending, as compared to the pace of spending under the version of H.R. 858 that was approved by the House Committee on Resources.

Estimate prepared by: Federal Costs: Victoria V. Heid; Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 858. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 858.

EXECUTIVE COMMUNICATIONS

On October 27, 1997, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth executive views on H.R. 858 as amended. These reports had not been received at the time the report on H.R. 858 as amended was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

On July 24, 1997, the Administration offered testimony on H.R. 858 as reported by the House, and S. 1028 as introduced. The testimony provided by the Department of Agriculture at the hearing follows:

STATEMENT OF RONALD E. STEWART, ACTING ASSOCIATE
CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Subcommittee: Thank you for the opportunity to offer the Administration's views on S. 1028 and H.R. 858, the "Quincy Library Group Forest Recovery and Economic Stability Act of 1997." I am Ron Stewart, Acting Associate Chief of the Forest Service and I am accompanied by Forest Supervisor Mark Madrid of the Plumas National Forest.

The Administration supports the goals of H.R. 858 and S. 1028 and is currently implementing much of the Quincy Library Group (QLG) Proposal using existing statutory authority, consistent with environmental laws and available funding. While the Administration believes the actions directed by these two bills could be implemented administratively, given the interest in pursuing legislation and supporting the goal of local collaboration between different stakeholders, the Administration will support enactment of this legislation.

If enacted, the Forest Service will implement the actions directed in either one of the bills within the constraints of available funds. We believe that additional funds must be appropriated to fully implement the project. We will work to ensure that our actions meet the objectives of the QLG and the surrounding communities, as well as the objectives of the broader public. We feel that it is important to allow enough time to measure the success of this project.

The Administration, through the Forest Service, will continue to utilize its administrative and statutory authorities to work with communities who come together to establish consensus on land management goals. Community involvement is very important to the Administration, particularly the Forest Service, as a way to bring people together to generate collaborative solutions to problems on public lands. However individual National Forests should not be managed by specialized statute for a number of reasons, including the fact that forest conditions change more quickly than the legislative process can respond. An administrative approach gives the Forest Service a great deal

of flexibility to change management strategies in response to changing conditions and with full public involvement.

Mr. Chairman, we appreciate the efforts of certain Members of Congress and their staffs to make changes to improve these two bills. With regard to S. 1028, we would recommend additional refinements to further improve the bill, to ensure consistency with all environmental laws, and to avoid potential confusion in land management planning. It is our understanding that an opportunity exists to resolve outstanding issues prior to Committee action on either bill.

General conditions of the Sierras

In 1996 the Sierra Nevada Ecosystem Project (SNEP) Report, chartered by Congress, found that the Sierra Nevada range has become highly susceptible to catastrophic wildfire. The virtual exclusion of low- to moderate-severity fire, as well as past harvesting and grazing practices, have affected the structure and composition of much of the Sierra Nevada vegetation. The resulting forests can be characterized as having dense stands of small to medium size, shade-tolerant, fire-sensitive tree species. Fuels have become more continuous from the ground through the upper canopy. Most stands in the Sierra Nevada range have experienced increased mortality from the cumulative effects of competition, drought, insects, disease and, in some cases, ambient ozone air pollution. This has created conditions favorable to intense and severe fires that are more damaging to the ecosystem, are more expensive to suppress, and pose a greater threat to life and property.

The SNEP report describes a number of approaches to reduce the susceptibility of the the Sierra Nevada range to catastrophic fire by reducing the potential for large high-severity wildfires in both wildlands and the wildland/urban interface.

The Quincy Library Group (QLG)

The QLG was formed in 1992 and became a three-county alliance of elected officials, timber industry, workers, union representatives, local environmentalists, and citizens. The QLG has worked to resolve long-standing controversies over some aspects of vegetation management on the Plumas, Lassen, and the Sierraville Ranger District of the Tahoe National Forest. They have developed a proposal that addresses various aspects of vegetation management including timber sales, fire hazard reduction, watershed and riparian area restoration, monitoring and forest planning. Most importantly, they have negotiated and compromised locally, crafting a program that is generally acceptable to all. In recognition of the importance of this effort, Secretary Glickman has prioritized funding for these three forests to support forest activities consistent with the concepts of the QLG proposal and forest plan standards and guides.

Contents of the bills

Both S. 1028 and H.R. 858, as passed by the House, would direct the Secretary of Agriculture to conduct a pilot project on designated lands of three National Forests—the Plumas, Lassen and a portion of the Tahoe National Forests. The purpose of the project, reflecting portions of the QLC proposal, is to demonstrate the effectiveness of various vegetative management activities directed in the bill. These activities are: (1) construction of a strategic system of defensible fuel breaks on not less than 40,000 but not more than 60,000 acres per year; and (2) implementation on an acreage rather than volume basis, of uneven-aged forest management prescriptions utilizing individual tree selections and small group selections to achieve a desired future condition of an all-age, multi-story, fire resistant forest.

This legislation reflects some of the analysis in the Sierra Nevada Ecosystem Project Report (SNEP) that identifies defensible fuel profile zones as an initial, but not exclusive, focus for fuels management activities in the Sierra Nevada. SNEP stressed, however, that the fuel zones are an initial step in bringing the landscape into a more fire-resilient condition, that other management tools are also needed, and that periodic maintenance will be required to maintain benefits of fuel zones.

The project would terminate 5 years after date of enactment of this bill or when the land and resource management plans for the three forests have been revised or amended as appropriate, whichever is later.

Comparison of the bills

S. 1028 is identical to H.R. 858, as passed by the House, except for the following modifications:

Section 2(c)(2) would prohibit any pilot project activities, and all road building and timber harvest activities in “off base” and “deferred” areas during the term of the project.

Section 2(j)(1)(G) requires the annual report include a description of any adverse environmental impacts; and,

Section 2(k)(1)(B) includes a similar requirement for the final report.

The Administration is comfortable with these additions to the House passed bill.

We are concerned that S. 1028 is not responsive to several issues identified in the Statement of Administration Position for H.R. 858. Those concerns still exist and I would like to briefly describe them:

Section 2(c)(3) (A) and (B) could freeze riparian guidelines to the knowledge and expertise available when the “Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest” was published. New information may necessitate amendments to the riparian guidelines. It is the Administration’s position that the legislation should allow for adaptive management

rather than preclude the use of new information for the term of the project by locking in the guidelines for the project area.

Section 2(g) calls for termination of the pilot the later of: (1) completion of plan amendments or revisions or (2) 5 years from date of enactment. The Administration believes that plan amendments or revisions should trigger termination of the project if they are completed within the 5-year period.

Additionally, it is the intent of the Administration, in fulfillment of Section 2(l) to conduct site specific analyses for individual projects or groups of projects.

Finally, the Secretary has supported implementation of the QLG proposal to date through reprioritization of funding. We have funds in the FY 1998 budget to implement approximately 40 percent of the the project. In order to fully implement the project an additional \$12–14 million will be needed. The Administration would like to work with Congress to find appropriate offsets for this amount. Without these additional funds, the project cannot be fully implemented.

Summary

We applaud the Quincy Library Group and the bills' proponents in the House who addressed the need to assure consistency with existing environmental laws. Representatives Young, Miller, Fazio, and Herger were able to negotiate a bill that passed the House with overwhelming support. Senators Feinstein and Boxer have built on that success.

During the Forest Conference in April, 1993, President Clinton challenged natural resource dependent communities to develop collaborative and locally-based solutions to controversies surrounding public land management. The science-based assessment of the Sierra Nevada ecosystem commissioned by Congress recommended implementing programs that reduce the potential for catastrophic fires. The QLG is an illustration of democratic process at work in achieving these goals. The project has the potential to enhance the health and productivity of the affected national forests, help those communities that depend on these forests for their well being and, demonstrate that forests can be managed in a way that satisfies the needs of a broad cross-section of forest users. For these reasons, the Administration is looking forward to working with the Committee to further improve S. 1028.

This concludes my prepared remarks. My colleague and I will be pleased to answer your questions.

ADDITIONAL VIEWS OF SENATOR BUMPERS

During consideration of H.R. 858, the Committee adopted an amendment in the nature of a substitute that incorporated a number of changes to the bill, including a requirement that the final report assessing the success of the pilot project be conducted by an independent scientific panel rather than the Forest Service or the Quincy Library Group. In addition, the Committee adopted an amendment which I offered regarding the term of the pilot project. Because of these and other changes, I did not oppose reporting the bill to the full Senate. However, it is important to recognize the following issues with respect to this legislation.

H.R. 858 requires the Secretary of Agriculture to implement a pilot project and, as such, the ultimate results of this legislation are very uncertain. The project is an experimental pilot in two respects; it legislates a management plan for a few identified forests; and it directs the Secretary to conduct management activities that are untested. Therefore, it is absolutely imperative that the Congress carefully review and monitor its implementation and results before other similar projects are initiated either legislatively or administratively. If this is truly a pilot project, the Congress should not support any similar proposals until the final report, as described in the bill, has been completed.

Legislating a management plan for a few specific forests is a dramatic departure from current law and practice. Our national forests are currently managed through provisions set forth in the National Forest Management Act (NFMA) that require full public participation and ensure the application of all environmental laws. Individual national forests should not be managed by specialized statute as this bill requires. Similarly, the benefits thought by the proponents of this bill to be derived from some of the forest management activities directed by H.R. 858 are neither generally accepted nor supported by the scientific community. Professor Don Erman, team leader of the Congressionally sponsored Sierra Nevada Ecosystem Project noted that, with respect to the management activities identified in the bill, "in many ways ideas are untested."

In his remarks upon passage of H.R. 858, Congressman Don Young, Chairman of the House Resources Committee, referred to the potential need to "make similar plans easier to implement." At least 35 groups across the country are working on proposals similar to the Quincy Library Group plan. Therefore, similar legislative proposals can be expected in the near future. Congress should ensure that other such projects not proceed until it carefully evaluates the results of the Quincy Library Group proposal.

DALE BUMPERS.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of the rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by this Act, H.R. 858 as reported.

