

A. The Draft Handbook Amplifies the Flaws of the Rule

The Planning Rule (Rule) and the Draft Land Management Planning Handbook (Handbook) is likely to exacerbate, not resolve, the planning gridlock accelerating through the agency.

The new Rule/Handbook sets out an excessively broad and unnecessarily complex planning framework. Indeed, the framework does nothing to address, and even compounds, the stated flaws the agency presented in the current regulations (see 74 Fed. Reg. 67165-67169 Dec. 18, 2009 Notice of Intent). The Rule/Handbook is even more unwieldy than that presented by the 1998/2000 regulations and fails to improve the current 1982 regulations.

Planning directives must function in a way that will advance the agency's mission which requires that management actually actively affect and conserve Forest System resources. The Rule/Handbook will require staff to create an inflated analysis and planning process far removed from on-the-ground management needs.

We would like to reiterate a portion of comments submitted during the promulgation of the new Planning Rule:

We reach out to truly-interested officials, agency employees, organizations and individuals to stand up in this process for active and continuing use of the Forest System. Whatever our differences, we face a common foe who would seize this point in our bureaucratic "evolution" to transform the visions of Pinchot, Roosevelt, and Leopold into a Forest System that excludes meaningful use. The core vision is valid, only its implementation need be improved. We need incremental change to existing planning frameworks, not a dramatic new vision that only threatens continuing judicial skepticism.

Of course, the agency will argue that this is all water under the bridge. The Rule is final and the agency is now tasked to develop its Manual and Handbook. It is difficult to suggest changes to a Handbook that stems from a flawed Rule. In these comments we attempt to identify items that, within the current planning regulations, could be amended to facilitate the formulation of effective forest plans.

B. General Comments

1. The agency should edit the draft Handbook to shorten and simplify

The current volume of the draft Handbook, excluding copies of regulations and other references in Proposed FSH 1909.12, Chapter 91, exceeds 400 pages. Basic editing could eliminate redundancy, excessive detail and other unneeded text to condense this material into a shorter set of "how to" guidelines. An updated set of FSM /FSH guidance for planning, intended to simplify direction and operations in a time of fiscal belt-tightening, should be substantially shorter than its "illegal" predecessor. A more detailed table of contents, an index, and key word search-ability in the final electronic version would also substantially enhance usefulness.

2. The agency should reconsider the guidance regarding timeframes to complete planning processes

The supplemental information for the Planning Rule indicates that the Forest Service expects plan revisions to be completed within 3-4 years, compared with 5-7 years or longer under the 1982 Rule. There appears to be very little guidance in the draft Handbook regarding the importance of completing assessments, plan revisions, and other planning activities expeditiously, within more reasonable time frames and at less cost than has previously been the case. Chapter 10 (Assessment), Chapter 21 (Developing, Revising . . . a Plan), and Chapter 43 (Public Participation and the Role of Collaboration)

would be among the locations where more emphasis on time frames and cost-effectiveness would be helpful.

3. Ecological Sustainability and Diversity of Plant and Animal Communities

These provisions appear to dominate the draft Handbook. There is a stark contrast between the volume of material regarding these components of the Rule, compared to the sparse, much more concise text regarding economic and social sustainability, recreation and related topics. This may be largely a consequence of the imbalance favoring ecological and conservation biology concepts over economic, social, and other multiple use requirements in the Rule. The draft Handbook exacerbates this imbalance.

Chapters 23 and other sections in the draft Handbook which address ecosystem concepts and Rule requirements need to be reviewed and reformed. They presently contain inappropriate mandatory, expansive and detailed prescriptive direction. Instead, they should focus upon useful, practical guidance for planning tasks to implement the Rule's ecological sustainability and diversity provisions in a way that fully conforms to the needs of human communities dependent upon national forest resources and multiple use goods and services. The Directives will be helpful only if they reflect and assist cost-effective, realistic means to achieve sustainability and diversity objectives. Guidance should promote and aid approaches that are affordable to Alaska Native Corporations, Tribes, state and local governments, and other cooperators and constituencies as well as being within Forest Service capabilities.

For example, we understand that at least some "early adopter" Forests are finding assessment of potential species of conservation concern ("SCC") very daunting and potentially overwhelming in scope. The draft Handbook in FSH 1909.12 Section 12.5 and elsewhere can better emphasize that assessment of potential SCC is to be completed rapidly based on currently available, accessible information and can be focused on useful and significant information; a species for which there is not sufficient readily available information to assess or address concerns need not be identified or further evaluated. It will be entirely contrary to the stated purposes of the Rule for early and later forest plan revisions to become bogged down at the very beginning of the process in an effort to identify and evaluate a huge number of potential SCC.

Examples of redundancy or an opportunity to shorten and simplify, include the discussion of Natural Range of Variation ("NRV" on page 45 and again on 49-50 of the proposed Chapter 23 text), and the discussion of developing plan components on pages 48-49, 50-51, and then again on pages 52-53. The draft Handbook's "NRV" provisions allow for exceptions to providing plan components that contribute to the restoration of NRV conditions for various key ecosystem characteristics where that is appropriate, practical, or possible. (See, for example, proposed FSH 1909.12 Chapter 23, page 50.) The allowance for this needed flexibility under the Planning Rule may need to be clarified or explained given the direction in 36 C.F.R. § 219.8 that the forest plan must include plan components "to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area . . ." and the definition of "ecological integrity" in 36 C.F.R. § 219.19 to be the "quality or condition of an ecosystem when its dominant ecological characteristics . . . occur within the natural range of variation . . ."

There is an apparent lack of reference in the draft Handbook to restoring and maintaining forest "health," or to insects, disease, or fire as direct and active agents of change to address in the planning process. If these are intended to be subsumed within more amorphous concepts such as ecological sustainability, ecosystem integrity, and NRV, then the Handbook is an opportunity to distill and clarify that relationship. There is no apparent reference to the Healthy Forest Restoration Act or other current law that supports and facilitates more active vegetation management to address insect,

disease, and fire threats. Proposed Chapter 90 does not include these authorities, but does selectively include the Wilderness Act and Wild & Scenic Rivers Act.

C. Assessment and Evaluation Should Focus on Identifying the Need for Change

As currently written, the draft Handbook front-loads the plan revision process with a lengthy and in-depth assessment process. This ensures that assessment and evaluation will consume a great deal of planning resources. The draft Handbook's only provision to streamline the assessments is at 42.1 (Chapter 40 page 5). Yet, a review of Chapter 10 (Assessment) indicates the agency will be open to appeal and litigation if it does not seek to compile a great deal of up-to-date site-specific information related to "at risk" species, for example.

As noted above, some early adopter Forests found assessment of potential species of conservation concern ("SCC") very daunting and potentially overwhelming in scope. In any event, following the draft Handbook will require a huge amount of time and planning resources to be spent compiling information.

That could be all well and good if the agency had an unlimited budget. Our point is that the draft Handbook fails to focus the assessment and evaluation on how the current management meets the management need for those resources. The draft Handbook does not direct the plan revision process to focus on what needs to be changed.

The assessment report is the principal document that supports the development of a new plan or plan revision (36 CFR 219.6).

The assessment phase should contribute to the planning phase by providing information for:

1. Identifying the need for change in the plan development, amendment, or revision process (FSH 1909.12, ch. 20, sec. 26); and
2. Developing plan components including desired conditions, objectives, standards, guidelines, and suitability of lands (FSH 1909. 12, ch. 20, sec. 27).

The draft Handbook has staff too focused on assessing complicated ecosystem functions and not focused enough on information that will inform the need for change and help develop a proposed plan revision.

Suggestions:

- The Handbook should make clear that the purpose of the assessment (Chapter 10) is to inform the need for change and help develop a proposed plan revision.
- The Handbook seems to direct the "description" of the NRV across the forest, but does not require the important analysis of existing conditions relative to NRV. Assessment and evaluation should identify areas where restoration activities can make significant progress in moving to NRV and/or Desired Conditions and also where restoration can make reasonable progress toward NRV and/or the Desired Conditions.
- Chapter 10 at 12.15b, c and d should be reviewed to focus on determining areas where current conditions are outside the NRV and where restoration activities would have a high probability of moving those areas toward the NRV and/or DFC.
- The assessment and evaluation should include where areas outside the NRV are in danger of uncharacteristic wildfire (fire that is outside that typical of the NRV) and insect epidemics.

Assessment and evaluation should also focus on how those uncharacteristic natural events would potentially impact species of concern, watershed, ecological sustainability, diversity of plan and animal communities as well as social and economic sustainability and multiple uses.

D. Suitability of Lands Provisions Improperly Stray from the Rule

Again, one of the key flaws in the draft Handbook stems from a flawed Rule. The Rule mandates that "suitability" determinations be a component of a revised Forest Plan. Under Required plan components, the Final Rule states:

(v) Suitability of lands. Specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. The plan will also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. The suitability of lands need not be identified for every use or activity. Suitability identifications may be made after consideration of historic uses and of issues that have arisen in the planning process. Every plan must identify those lands that are not suitable for timber production....

(36 CFR 219.7(e)(1)(v))

The draft Handbook strays substantially and unlawfully from the Rule. The "Suitability of Lands" section in the Handbook (22.15) strays substantially from determining if a project or activity would occur in an area that the plan identifies as suitable or for which the plan is silent. The Rule directs that any use identified as "not suitable" be one which is "not compatible" with the desired condition for those lands. The draft Handbook does not attempt to define either "compatible" or "not compatible." Instead it unlawfully combines "not compatible" with "not likely to be compatible" and then sets up a one-way-gate that will be used to justify elimination of certain projects or activities. The Rule does not include, and is indeed structured to avoid, this "not likely suitable" determination. This section of the Handbook must be revised.

Discussion

The draft Handbook creates a situation where "suitability" determinations provide a one-way-gate used for the elimination of certain uses or activities. Of particular concern is the "guidance" which alters the Rule's provisions on suitability:

Identifying lands as suitable for a use is notably different from identifying lands as not suitable for a use when deciding whether a project or activity is appropriate on those lands. The difference is discussed in the following enumerated paragraphs.

1. Lands identified as suitable for certain uses or activities. Identification in a plan of the suitability of lands for a use is an indication that the use might be appropriate. It is not a commitment to allow such uses.
 - a. A specific use or activity may be approved or may be disapproved in an area identified as suitable for such types of use.
 - b. A plan, for instance, may identify a management area as suitable for utility corridors; however, that suitability determination does not imply that any application for pipeline construction would be approved. All applications would be subject to special use authorization requirements, standard permit clauses, standards and guidelines, NEPA procedures,

public and governmental participation, and project and activity decision-making.

Lands not suitable for uses or activities. If the plan identifies an area as not suitable for a use or activity, then that use or activity may not be authorized. Such identification in a plan does not affect any unregulated public use (sec. 22.5). See FSH 1909.12, chapter 60 for identification of lands not suitable for timber production.

A plan may not identify a use or activity as being suitable in the plan area or relevant part of the plan area, and should identify the area as not suitable for that use or activity, if any of the following conditions apply:

- a. The use would not likely be compatible with the desired conditions and objectives;
- b. Law, regulation, Executive order, or Forest Service directive prohibit the use; or
- c. The use would result in substantial and permanent impairment of the productivity of the land or renewable resources.

(Chapter 20 at 22.15 page 26-27) The one way gate is provided in the Rule's mandate, which cites that specific "resource plans," e.g. travel management plans, be consistent with plan components including Suitability determinations:

(e) Consistency of resource plans within the planning area with the land management plan. Any resource plans (for example, travel management plans) developed by the Forest Service that apply to the resources or land areas within the planning area must be consistent with the plan components. Resource plans developed prior to plan decision must be evaluated for consistency with the plan and amended if necessary.

(36 CFR 219.15 (e)) In addition, the draft Handbook at 22.35(d)(2) (Chapter 20 page 38) requires that all projects or activities confirm that they are "[n]ot a use for which the area is specifically identified in the plan as suitable, but is not a use precluded by a "not suitable" determination."

It seems appropriate to ask what will happen if the preexisting motor vehicle use map (MVUM) authorizes a motorized trail within an area that staff finds is not "suitable" for motorized recreation on designated roads and trails in the revised forest plan? Would the line officer then be required to modify the MVUM accordingly? If yes, is this not an implementation decision? It seems reasonable to argue that, as written, the Suitability determinations are in fact implementation level decisions disguised in a programmatic land use plan.

The proper relationship between Forest Planning and project planning is a topic of frequent discussion. In fact, the agency has frequently relied upon the "programmatic" or "general" nature of Forest Plan generation in dodging legal challenges to Forest Plan decisions. See, *Ohio Forestry Assoc. v. Sierra Club*, 523 U.S. 726, 737 (1998) (characterizing Forest Plans as "tools for agency planning and management").

The new Rule/Handbook does not absolve the Forest of complying with other applicable law, including NEPA and the 2005 Travel Management Rule ("TMR"). The TMR requires that changes from the existing management prescriptions must be analyzed through advance notice and public comment

“consistent with agency procedures under [NEPA].” 36 CFR § 212.52(a). To the extent a revised Forest Plan reflects “zoning” changes that would alter existing management prescriptions, the agency is required to conduct site-specific analysis sufficient to comply with the TMR and/or NEPA.

Aside from the concerns above, it also seems appropriate to ask if suitability determinations are not an example of bureaucratic redundancy the new Rule was supposed to address?

We recommend that this section of the Handbook be substantially rewritten. It should be much simpler and track the language of the Rule. Suitability determinations are, at the most basic level, a tool to apparently eliminate from consideration uses which will be in obvious conflict with mandatory guidance. The agency will create substantial risk if it attempts to use "suitability" as a means to remove possible and/or historical uses from future consideration through the discretionary choice(s) of a line officer in a programmatic plan.

E. The draft Handbook at 23.22b - "Sustainable Recreation Resources" and "Opportunities to Connect People with Nature" Does Not Properly Track the Rule

The draft Handbook inappropriately modifies the definition of Sustainable Recreation. Again, the Handbook contradicts the Rule, and whether intentionally or otherwise sets up the agency to fail the newly-configured duty to provide "sustainable recreation." The Rule states:

Sustainable recreation. The set of recreation settings and opportunities on the National Forest System that is ecologically, economically, and socially sustainable for present and future generations.

(36 CFR 219.19) The draft Handbook modifies this definition here:

Plan components must provide for sustainable recreational settings, opportunities, and access. Sustainable recreation opportunities and settings are those that are economically, socially, and ecologically sustainable for the future. To be sustainable, the set of recreational settings and opportunities must be within the fiscal capability of the planning unit, be designed to address potential user conflicts among recreationists, and be compatible with other plan components including those components that provide for ecological sustainability.

(Chapter 20 at 23.22b Page 80 underline emphasis added) Ironically, the Rule's definition of "sustainable" recreation troubled agency recreation staff, who proposed changes to the definition that they feared would "set the bar too high." See email correspondence dated Oct. 13, 2011 (AR 0125036-0125039). The draft Handbook not only ignores but builds on these fears, again with the effect of creating an unnecessarily high burden.

Most, if not all, USFS Programs are not adequately funded. Indeed, the shortfall in the roads maintenance budget, and the trail maintenance backlog for trails in designated Wilderness, is well documented. The language here raises the concern that the agency may attempt to rely on lack of funding as an excuse for lack of effort and creativity in comprehensive recreational planning and motorized recreational travel planning specifically.

Discussion

Our experience working with recreational user groups shows a very high support for a “plain English” understanding of “sustainable recreation.” That is, long before the term “sustainable” became popular, recreationists understood that some recreation infrastructure can be “unsustainable,” and that monitoring and maintaining recreation infrastructure, especially roads and trails, can be a legitimate concern. This is why the motorized trail community supports some programs that “tax itself” in order to

provide the agency with the tools to address legitimate concerns about sustainability. Recreationists successfully lobbied Congress to provide substantial resources via the Recreational Trails Program (RTP). In many states motorized users successfully lobbied state governments to establish Off-Highway Vehicle (OHV) registration programs so funds would be available to federal land managers. The agency also leverages resources from other non-profit, federal and state programs.

So from a planning perspective, it would seem logical for the Handbook to, at minimum, recognize these resources exist and direct line officers to use them to implement the intent of 36 CFR 219.19 a.

Our key point is the draft Handbook lacks any meaningful direction insofar as incorporating the existing funding programs into the planning process. The draft Handbook makes only passing reference to its “partners” in Chapter 20 at 23.22o. Section 23.22b of the draft Handbook is silent regarding the hundreds of millions of dollars provided to the agency by the Recreational Trails Program (RTP) and the tens of millions of dollars from state OHV registration programs.

The numbers are significant. In Idaho, where RTP and other state funding programs are modest compared to some western states, grants totaling \$7,674,250 were provided directly to the USFS from 2009 to 2013. In 2013 alone, the USFS will receive \$1,848,588 directly from the programs administered by the Idaho Department of Parks and Recreation¹. This year the USFS will receive over \$2,000,000 from programs administered by the Colorado's Division of Parks & Wildlife. This amount does not include funds that were provided to “partners” for work on USFS programs or other state and county assistance.

Those funds are currently being used to supplement the agency's recreation programs and also to bring its recreation infrastructure to a point where it is “economically, socially, and ecologically sustainable for the future.” It is worthwhile to note that the recent (and ongoing) travel planning activities motivated by the 2005 Travel Management Rule (TMR) created an unprecedented opportunity to apply available resources to long-neglected travel management duties. Via the TMR implementation, most units have begun to address the sustainability of the motorized road and trail network.

The recreating public has stepped up to provide the agency with the resources needed to manage recreation. We understand that “sustainability” can be a legitimate concern. However, the trail-using public will not accept the agency developing a strict monitoring and maintenance budget criteria for planning purposes. The recreating public will not accept budgetary constraints as an excuse for route closures.

Suggestions

- Our suggestion is that you include a section in the draft Handbook directing line officers to address any legitimate “sustainable recreation” concerns by incorporating a training protocol into your implementation plans and staff training that would train recreation staff on how to apply for grants, use the challenge cost share program, effectively manage volunteer programs and learn about and apply for other funding sources.
- The term “within the fiscal capability of the planning unit” should be clarified if not removed.

F. Comments on Chapter 20 at 23.22j

1 Source: <http://parksandrecreation.idaho.gov/about-parks-recreation> select “Grants and Funding.”

The draft Handbook unlawfully expands the agency's authority for management of Wilderness Study Areas and areas recommended for Wilderness.

The draft Handbook directs planners to:

In developing plan components for designated or recommended wilderness areas, the responsible official should consider:

1. Measures to protect and enhance the wilderness characteristics of the areas;

(Chapter 20 at 23.22j page 92) The term “enhance” is often used to eliminate so-called “non-conforming” uses such as off-road vehicles, snowmobiles and mountain bikes which are generally prohibited in designated Wilderness areas, but frequently enjoyed within proposed Wilderness areas. These uses must be properly and effectively managed by the Forest Service in non-Wilderness areas, including proposed or recommended Wilderness areas.

Forests in Region 1, and others, seem intent on following an illogical and illegal management scheme for lands recommended for inclusion in the National Wilderness Preservation System. Only Congress can designate Wilderness under the Wilderness Act. The act specifically states that Wilderness areas are “to be composed of federally owned areas designated by Congress as ‘Wilderness areas’...no Federal lands shall be designated as ‘wilderness areas’ except as provided for in this chapter or by a subsequent act.” 16 USC §1131(a). Reviewing courts have agreed that this express command reserves the power to designate Wilderness exclusively to Congress. (*State of Wyoming v. U.S. Dept. of Agriculture*, 277 F.Supp.2d 1197, 1233 (D. Wyo. 2003), vac. on other grounds, 414 F.3d 1207 (10th Cir. 2005); *Parker v. United States*, 309 F.Supp. 593, 597 (D. Colo. 1970), aff’d, 448 F.2d 793 (10th Cir. 1971)). While the Secretary of Agriculture, and therefore the Forest Service, certainly has responsibilities under the Wilderness Act, those duties are succinctly summarized as “the duty to study and recommend.” (*Parker*, 309 F.Supp. at 597.)

The Forest Service simply does not have the authority to make any Wilderness-specific management directives until Congress has made a determination of Wilderness status.

The criteria for evaluation of Wilderness characteristics allow substantial historical use by motorized and/or mechanized vehicles. Indeed, this draft Handbook suggests that maintenance level 2 roads with currently authorized motorized uses will not preclude an area for being evaluated for Wilderness recommendation. This expansive criteria for Wilderness characteristics places the agency and the public in an awkward “catch 22” by inappropriately defining lands with Wilderness potential and/or recommended Wilderness that have long received meaningful motorized and mechanized uses. The use of the term “enhance” will be (and has been) seized by many line officers to eliminate most, if not all “non-conforming” uses. Yet these lands were imbued with “almost Wilderness” status when designated during Wilderness review and evaluation.

Suggestion:

- The Handbook should reinforce, not expand, the proper management of these consistent with the text of 36 C.F.R. § 219.10(b)(1)(iv) and other direction.
- In Chapter 20 at 23.22j on page 92 and other places where it may appear, change the phrasing regarding “protect and enhance” wilderness characteristics of designated or recommended areas to “protect and maintain” characteristics, to be consistent with the text of 36 C.F.R. § 219.10(b)(1)(iv) and other direction.

G. Recreation is Illegally Omitted from “Required Considerations when Preparing new or Revised Plans”

The draft Handbook at 21.2 lists specific items to be considered when developing or revising Forest Plans. Exhibit 01 provides a list of requirements, along with references for guidance and information, noting that each consideration also may be informed by information generated during public participation or derived from some other source.

The list includes mandatory requirements, which makes it redundant, but importantly also omits many key multiple use mandates, notably, recreation. This contradicts NFMA, which plainly includes recreation among the list of mandatory Forest planning topics.

This flaw is repeated throughout the draft Handbook. For example in section 23 regarding Resource Requirements for Integrated Plan Components, recreation has a decided under emphasis. Even in sections where consideration of recreational uses should be emphasized, such as 23.2 Social and Economic Sustainability and Multiple use, section 23.21 Social, Cultural and Economic Conditions, 23.22 Multiple Use, 23.22a Ecosystem Services and 23.22b Sustainable Recreation Resources and Opportunities to Connect People with Nature, plan components that provide for recreation are always subject to other considerations such as being second to new constructs such as biological sustainability, the ability of funding, ecological integrity and at-risk species.

The Handbook needs to identify and organize topics of analysis in proper alignment with NFMA.

H. Wilderness Evaluation Procedures are Flawed.

The draft Handbook continues to err on the side of preservation in addressing Wilderness characteristics and ensures that any lands that "appear to have" even the slightest remote or undisturbed character will be evaluated for Wilderness recommendation and ultimately "Recommended Wilderness Areas." It continues to depart from previous criteria to allow "supplemental values" to be included as Wilderness characteristics. Supplemental are defined as "[e]cological, geological, or other features of scientific, educational, scenic or historical value."

One could argue that Chapter 70 is the final nail in the coffin insofar as Inventoried Roadless Areas being an actual inventory which the agency uses to begin its Wilderness review. Roadless areas are not mentioned in Chapter 70 except to direct that existing Roadless Areas be placed into the review process.

It seems reasonable to conclude that Roadless Areas are now a stand alone designation independent from the Chapter 70 Wilderness review requirements. We noted that section 1925 in the agency's new Planning Manual is titled Management of Inventoried Roadless Areas but is "reserved." We may be mistaken, but our conclusion is that this section of the Manual is yet to be completed.

I. Specific Comments on Chapter 70 Wilderness Evaluation

1. Re: Chapter 70 at 70.6 Process (page 4-5)

Although the last paragraph requires public and local government involvement via FSH 1909.12, ch. 40, we think it might be appropriate to emphasize state and local government participation. Especially since the public is mentioned prior to the last paragraph and local governments are not.

Suggestions:

Suggested additions in blue underline, deletions in ~~strikethrough~~

1. Inventory (sec. 71): The responsible official shall identify and create an inventory of all lands that may be suitable for inclusion in the NWPS The inventory must be broad and inclusive. To

develop the inventory, the responsible official shall identify lands based on a set of inventory criteria developed with public involvement and the involvement of state and local governments. ~~In addition, the responsible official shall review information provided during the assessment (FSH 1909.12, ch. 10). Inclusion in the inventory is not a designation that conveys or requires a particular kind of management.~~ Lands included in the inventory must be documented and identified on a map. This map will be available for public participation opportunities during the plan revision or development process.

2. Evaluation (sec. 72): The responsible official shall evaluate the wilderness characteristics of each area in the inventory using a set of criteria based on the Wilderness Act of 1964 and document each of the evaluations completed. The responsible official shall include the documentation of the inventory and evaluation of these areas in the planning record. This documentation will be available for public participation opportunities during the plan revision or development process.

3. Analysis (sec. 73): The responsible official shall consider the areas evaluated and determine, based upon the evaluations and input from the public and state and local governments, which specific areas to carry forward in the applicable National Environmental Policy Act (NEPA) document for further analysis and public participation opportunities. These areas must be identified within the applicable NEPA document as part of one or more alternatives. Not all lands included in the inventory and subsequent evaluations are required to be carried forward for further analysis.

4. Decision (sec. 74): The responsible official shall decide, based upon the analysis disclosed in the applicable NEPA document and input from state and local governments and the public, which areas, if any, to recommend for inclusion in the NWPS, and shall identify any such lands in the final decision document for the plan.

2. Re: Chapter 70 at 71.21 Size Criteria (page 6)

General comment:

The "Size Criteria" as outlined in the 1964 Wilderness Act seems to be lost in the Wilderness. Frankly, it has been a long time since the 5,000 acre size criteria has meant anything. This size criterion does not seem to exclude any area, based on the fact that it is smaller than 5 thousand acres.

Regarding:

3. Areas contiguous to existing wilderness, primitive areas, administratively recommended wilderness, or wilderness inventories of other Federal ownership, regardless of their size.

Primitive Areas are defined and managed in different ways in different LRMP's across the agency. Therefore, Primitive Areas should be defined in this section of the Handbook.

3. Re: Chapter 70 at 71.22a Roads Improvements (page 6-7)

Including maintenance level 2 roads in the inventory will greatly expand the lands evaluated for Wilderness. With the implementation of the TMR, nearly all maintenance level two roads have either been moved to maintenance level 1 or have been authorized for public use or identified as needed for other reasons. Including areas with maintenance level 2 roads is unnecessary for the purpose of Wilderness inventory and evaluation and will lead to areas being considered but not recommended. This will create conflict among wilderness advocates who often oppose and seek to eliminate uses that are not allowed in Wilderness but are appropriate in undeveloped areas.

Suggestions:

Suggested additions in blue underline, deletions in ~~strikethrough~~:

When considering road-related criteria, the responsible official shall use existing information about roads and routes within the plan area.

1. Include in the inventory, areas that contain the following improvements:
 - a. Areas that contain forest roads maintained to level 1;
 - b. Areas with any routes that are unauthorized or temporary, or forest roads that are identified for decommissioning;
 - c. Areas with forest roads that are anticipated during other planning processes for disinvesting future road maintenance activities to a level 1;
 - d. Areas with historical wagon routes, historical mining routes, or other settlement era transportation features considered part of the historical and cultural landscape of the area.
2. Except as provided in (1)(b) or (c) above, exclude from the inventory areas that contain:
 - a. Permanently authorized roads validated by a Federal court or the Department of the Interior for which a valid easement or interest has been properly recorded, or
 - b. Forest roads maintained to levels [2](#), 3, 4, or 5.
3. ~~Evaluate areas that contain forest roads maintained to level 2, or levels 3, 4 or 5 where those roads are anticipated to be disinvested to a level 2. Include such areas in-~~ the inventory unless they are clearly unsuitable for inclusion in the NWPS, ~~based on one or more of the following factors:~~
 - ~~a. The road has been improved and is maintained by mechanical means to ensure relatively regular and continuous use.~~
 - ~~b. Road density is so high that either wilderness character is clearly not present, or future preservation of the area as wilderness would not be possible.~~
 - ~~c. A project level decision supported by NEPA analysis has been made in favor of continuous public access to and use of the road.~~
 - ~~d. Other on-the-ground knowledge of the level 2 road that would preclude evaluation and consideration of the area during the public participation process as potentially suitable for wilderness recommendation.~~

Or, as an alternate edit:

3. Evaluate areas that contain forest roads maintained to level 2, or levels 3, 4 or 5 where those roads are anticipated to be disinvested to a level 2. Include such areas in the inventory unless they are clearly unsuitable for inclusion in the NWPS, based on one or more of the following factors:
 - a. The road has been improved and is maintained by mechanical means to ensure relatively regular and continuous use.
 - b. Road density is so high that either wilderness character is clearly not present, or future preservation of the area as wilderness would not be possible.
 - c. A project level decision supported by NEPA analysis has been made in favor of continuous public access to and use of the road.
 - d. Other on-the-ground knowledge of the level 2 road that would preclude evaluation and consideration of the area during the public participation process as potentially suitable for wilderness recommendation.
 - [e. The road is being used for motorized recreation and/or access for recreation activities.](#)

4. Re: Chapter 70 at 71.22b Other Improvements (page 7-8)

This section is unwise. Areas with prior timber harvest are often outside the historic range of variability or outside the vegetative desired future condition are highly inappropriate for further wilderness review, let alone recommended wilderness. Ditto for range improvements, culinary water improvements, power lines, telephone lines etc. Indeed, needed vegetation management (restoration activities) are precluded from areas recommended for Wilderness and will be more controversial if they are included in any initial Wilderness review inventory. Therefore, we strongly recommend revising this section of the Handbook.

5. Re: Chapter 70 at 71.4 Documentation for the Identified and Inventoried Areas (page 9)

It is inappropriate to include Wilderness proposals pending before Congress as well as including areas with a "primitive" ROS class. Wilderness proposals pending before Congress have not had the benefit of review for recreation, restoration or other management needs or had full public participation as mandated by NEPA. Including Primitive ROS areas is equally inappropriate as ROS considers only recreational settings and opportunities and have not included other socially important uses, including potential restoration activities.

It seems appropriate to note that "undeveloped" may have different meanings in different existing LRMP's and no two existing plans use the ROS Primitive class the same way (some use ROS as a DFC, some as an existing condition, some as a standard and others as an objective).

Suggestions:

Deletions in ~~strikethrough~~

2. ~~Congressionally designated wilderness study areas, and any wilderness proposals pending before Congress.~~ Indicate relevant statutory dates, if any.

3. ~~Areas identified in the Forest Service Roadless Area Conservation Final Environmental Impact Statement (Volume 2, November 2000), or in a Forest Service State-specific roadless rule, or identified as undeveloped or for primitive non-motorized management in the current land management plan.~~

6. Re: Chapter 70 at 72.1 Evaluation of Wilderness Characteristics (page 9-11)

Section 5 should be edited to include evaluation of existing non-conforming recreational uses, the degree in which any recreation, restoration, culinary water, rangeland, etc. improvements would be encumbered by Wilderness management and the economic impact of Wilderness management as well as under a Recommended Wilderness determination.

In addition, the Handbook should include direction to analyze how restoration projects would be encumbered by Wilderness and RWA management.

Suggestions:

Suggested additions in [blue underline](#).

5. Evaluate the degree to which the area may be managed to preserve its wilderness characteristics. Consider such factors as:

- Shape and configuration of the area;
- Legally established rights or uses within the area;
- Specific Federal or state laws that may be relevant to availability of the area for wilderness or the ability to manage the area to protect wilderness characteristics; and
- The presence and amount of non-Federal land in the area.
- [Existing non-conforming recreational uses authorized in the existing land use plan and where those uses would be displaced to other areas](#)

- f. Potential restoration activities that would be precluded via inclusion in the NWPS
- g. The degree in which any culinary water and rangeland improvements would be affected by inclusion in the NWPS
- h. Relative risk of wildfire in areas where previous timber harvest had occurred and where current conditions are outside of the historic range of variability and also areas in proximity to developed infrastructure and communities.

6. Evaluate the economic impact of potential Wilderness designation

7. Re: Chapter 70 at 73. Analysis (page 11-10)

Ditto comment above in the analysis section.

Suggestions:

Suggested additions in blue underline, deletions in ~~strikethrough~~:

4. A ~~brief~~ thorough but concise description of the current uses and management of the area including existing non conforming recreational uses authorized in the existing land use plan and where those uses would be displaced to other areas, potential restoration activities that would be precluded via inclusion in the NWPS, the degree in which any culinary water and rangeland improvements would be affected by inclusion in the NWPS and an analysis of the relative risk of wildfire in areas where previous timber harvest had occurred and where current conditions are outside of the historic range of variability and in areas adjacent to developed infrastructure and communities.

8. Re: Chapter 70 at 74 Decision (page 12-13)

Related to our comments in section F regarding Chapter 20 at 23.22J, the paragraph below should be added to this section:

The Secretary of Agriculture shall not manage public recreation uses of lands that are not part of the current congressionally designated wilderness system in the same manner as they would be managed in designated wilderness. Established past public recreation uses, including those prohibited under the Wilderness Act of 1964 such as off-road vehicles, mountain bikes and snowmobiles, shall be allowed to continue in areas found eligible for future wilderness designation and managed in a manner that will not diminish the area's eligibility as wilderness.

J. Conclusion

In these comments we have attempted to identify items that, within the current planning regulations, could be amended to facilitate the formulation of effective forest plans. We hope that interested officials, agency employees, organizations and individuals dedicated to active and continuing use of the Forest System can put our differences aside to give rebirth to visions of Pinchot, Roosevelt, and Leopold and create a Forest System that includes meaningful use by the American public. The core vision is valid, but its current implementation is taking the agency in a different direction.