

Union of Concerned Scientists Sound Science Initiative  
Issue Update: National Forest Management Act Regulations  
January 15, 2003

**ISSUE:** Comments from scientific experts are urgently needed on a newly proposed rule concerning implementation of the National Forest Management Act (NFMA), which guides management of the almost 180 National Forests and National Grasslands in the United States. Under the new proposal, as each National Forest or National Grassland management plan is revised -- roughly every decade or so -- it would be susceptible to provisions that would reduce the role of sound forest science and could negatively impact biodiversity conservation. The new proposal has weaker environmental protections, and at the same time, fewer opportunities for public participation and input.

**ACTION:** Provide comments to the Forest Service on the proposed rule by email, fax, or mail.

**MAIN MESSAGE:** The proposed rule is unacceptable because it minimizes the likelihood that future forest management plans will be based on sound scientific input, weakens environmental protections for US public forests, and reduces opportunities for public participation.

**DEADLINE:** Please send your comments as soon as possible, but no later than March 6, 2003.

#### \*\* Background

The Forest Service manages public lands, known collectively as the National Forest System. The lands -- approximately 155 National Forests and 20 National Grasslands totaling some 192 million acres -- comprise 8.5 percent of the total US land area, or an area equivalent to the size of Texas. These lands provide habitat for more than 3,000 species of wildlife and more than 10,000 plant species, including hundreds of federally listed threatened or endangered species.

The National Forest Management Act of 1976 (NFMA) requires the Forest Service to develop management plans for each National Forest and National Grassland. When one of these plans is up for review, it is open to proposals for new or modified uses for parcels of the land (e.g., timber harvest, recreation, grazing, mineral extraction, oil drilling, wildlife habitat, etc.). At several points during the review process, the public can provide comments or speak up in public hearings. Changes made in the management plans can also be appealed to the courts. Science and scientists' input have been valued and invaluable parts of the process, and have helped conserve biological diversity in the National Forest System lands.

NFMA also requires the Forest Service to comply with the National Environmental Policy Act (NEPA) -- the backbone of environmental policy in the US -- and to look to NEPA for guidance on when it needs to prepare Environmental Impact Statements (EISs) as part of a management plan. NFMA regulations have been amended over the years, most recently in 2000, after two years of intensive study and public meetings by an independent Committee of Scientists. In 2000, the scientists recommended making ecological sustainability the National Forest lands' highest priority. The 2000

regulations, like those before them, require an EIS whenever a National Forest plan is substantially revised or significantly amended, and an environmental assessment (EA) when a less significant amendment is proposed. The 2000 regulations still provide for public and scientific input.

## \*\* Suspension of the 2000 Regulations and The Announcement

The Bush Administration ignored the scientific basis for development of the 2000 regulations, and suspended them in May 2001. The Administration drafted its own regulations, which roll back substantial progress made in US forest management over the last 25 years. Forest Service Chief Bosworth approved the proposed regulations in mid-September 2002. Late on the day before Thanksgiving, the Administration announced the new regulations in the form of the "National Forest Service Land and Resource Management Planning" proposed rule.

The proposed rule changes the way that NFMA is implemented, and therefore the way that National Forest management decisions are made, with long-term implications for a vast amount of land and the species living on that land. The proposed rule involves major deviations from the earlier regulations, no longer giving highest priority to protecting healthy ecosystems and favoring instead timber and other business interests.

The new proposed rule would limit the role of science and weaken environmental protections. It also limits the opportunities for the public to learn about proposed changes in plans and to participate or provide input at various points in the planning process.

## \*\* Scientific Ramifications

We will focus on the most serious changes that pertain to ecological and scientific aspects of the proposed rule. These are the areas where scientists' voices in providing comments would make the greatest difference:

\* No Committee of Scientists - In the current drafting of this proposed rule, Administration officials did not convene a Committee of Scientists. In fact, independent scientists did not participate in any meaningful way in the rulemaking process. When the rule was last revised in 2000, the Committee of Scientists recommended that the highest priority in managing forests should be given to protecting ecological sustainability.

A December 16th letter written by 11 House Republicans to Secretary of Agriculture Ann Veneman asks for a National Academy of Sciences panel or other independent panel of scientists to review the proposed regulations. The request is based on their alarm that "...unlike during the development of previous regulations, in this case the Forest Service did not ask a group of independent scientists to inform or review the proposed regulations." The letter also points out that several parts of the proposed rule "...appear to loosen requirements that ensure that forest plans are based on sound science."

\* Shifted Priorities and Optional Scientific Input - In the new proposed rule, the Bush Administration ignores the Committee of Scientists' recent recommendation to place the highest priority on healthy ecosystems, and instead gives equal weight to environmental

and economic considerations. More power would be given to local forest managers to make those decisions on a case-by-case basis, and they could favor timber and other business interests over scientific or environmental concerns. In fact, under the new proposed rule, local timber industry and other special interests with direct economic stakes in the National Forests would have more opportunities to recommend making ecological for input into decisions than either scientists or the public. Requirements for scientific review and consultation with scientists when developing forest plans that exist under the 2000 regulations would be changed instead to an optional provision for the inclusion of independent scientists.

\* Bypassing the National Environmental Protection Act (NEPA) - Under the Administration's proposal, the management planning process would be "streamlined" -- including categorically excluding new forest plans, amendments, or revisions from NEPA requirements for forest management plans regarding EAs or EISs. The Forest Service says that by exempting forest managers from preparing such time-consuming documents -- which it contends are often of no use to the public -- it will reduce the time needed to produce each forest plan. However, from a conservation perspective, EAs and EISs should never be optional. They provide vital ecological information on which to base forest planning decisions.

The proposed rule would also make it possible for local forest managers to bypass the NEPA requirement that any changes to a forest management plan must protect the viability of populations that are threatened with or in danger of extinction. This viability requirement was the basis for the northern spotted owl lawsuits, which greatly reduced timber harvests in the Pacific Northwest during the 1990s.

\*\* In Conclusion

The Bush Administration's new proposed forest management planning rule gives greater power to local foresters, minimizes scientific and public input, makes the inclusion of scientific principles or concerns optional in many cases, and emphasizes timber and other extractive uses over ecosystem sustainability and species viability -- which until now were basic concepts for managing national forests. All these proposed changes work to weaken the current process for managing National Forest System lands, and tip the balance of power away from independent scientists and the public and toward local decision-makers and powerful industries.