

Congress of the United States
Washington, DC 20515

May 31, 2011

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Dear Secretary Vilsack:

We write to express our concern over the Proposed National Forest System Land Management Planning Rule published in the Federal Register on February 14, 2011 (proposed rule) that would affect the management plans of the nation's 155 national forests and 20 grasslands.

With a keen interest in the active management of our nation's federal forest resources and the multiple uses that benefit our global environment and our local rural economies, we were hopeful that this iteration of the planning rule would avoid the cumbersome and inefficient pitfalls that have led to seemingly endless litigation since the issuance of the first planning rule under the National Forest Management Act in 1982. Instead, the proposed rule moves the agency further away from a simple, concise rule that can be understood by both agency personnel and the public and implemented with a minimum amount of contention among stakeholder groups. By adding more process requirements and introducing new technical terms, you are increasing the likelihood that like previous attempts at reform, the proposed rule will be tied up in courts for years.

In this era of shrinking agency budgets, we are very concerned that the proposed rule saddles the agency with a number of expensive processes and procedures, such as the assessments (Sec. 219.6), requirements to extensively document its conclusions regarding what is "best available scientific information" (Sec. 219.3), expansion of monitoring activities (Sec. 219.12), and the continued reliance on and further expansion of the "species viability" requirement beyond vertebrate animals to include all species, counting fungi, slugs and mosses (Sec. 219.9). We foresee limited federal dollars available for U.S. Forest Service operations being consumed by these processes to the detriment of the health of our federal forests and continuation of multiple uses of our federal resources. This, in turn, will reduce the number of jobs in our already distressed rural communities and further limit the amount of American wood and fiber available to aid our economic recovery.

We also caution that there is much in the proposed rule that invites litigation by those who oppose a balanced multiple use management approach on our forests. Under the National Forest Management Act, the U.S. Forest Service has historically been charged with the primary responsibility to manage our nation's forests under multiple-use and sustained-yield principles, including mineral and energy development under the Mining and Minerals Policy Act and the Multiple-Use Sustained-Yield Act of 1960. We are concerned that the proposed rule seeks to

elevate vague, undefined new concepts and categories of analysis such as “species of conservation concern,” “restoration,” “social sustainability,” and “ecosystem resiliency” above its primary multi-use statutory mandate. The proposed rule also seeks to insert controversial climate change policies, not authorized by Congress, as a primary driver of future regulations on forest unit management.

These controversial proposed changes not only will add to the gridlock currently faced by the agency, but also will force significant costs onto already burdened taxpayers as the federal government is required to pay for agencies’ legal fees and, either as part of a settlement or because it does not prevail in litigation, other parties’ attorneys’ fees out of Judgment Act and Equal Access to Justice Act funds. In the latter case, the payments come directly out of the agency’s budget, further hampering its ability to manage our nation’s forests. The impairment of the process by which state, county, and local governments may meaningfully participate in the development of land and resource management plans (a process known as “coordination”, found in Sec. 219.7 of the current rule) further adds to the threat of litigation against the agency.

Given the above mentioned potential costs and risks associated with the proposed rule, we call your attention to President Obama’s January 18, 2011 executive order that requires agencies to assure that the costs of a rule are justified by the benefits achieved and that the regulations impose the least burden on society. We do not believe that the proposed rule complies with the President’s executive order.

We urge you to direct the U.S. Forest Service to redraft the proposed rule to make it simpler and less encumbered with process, and to eliminate provisions like the “species viability” clause that surpass Congress’ statutory direction. It is possible to meet the objectives of the National Forest Management Act and the Multiple Use-Sustained Yield Act without bogging the agency down with exercises that further separate it from the many citizens who depend on our nation’s forests for sustainable clean air, clean water, recreation, harvesting of fish and wildlife, grazing, and timber production. Please do not lose this opportunity to produce a planning rule that is truly simple, understandable, flexible and defensible in court.

Thank you for your immediate attention to these important concerns.

Best regards,



Greg Walden
Member of Congress



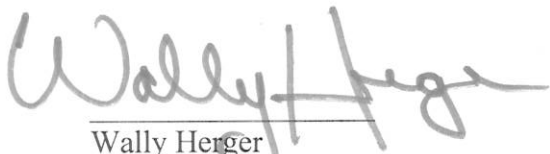
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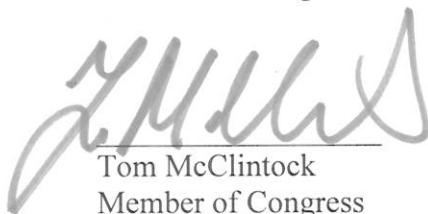
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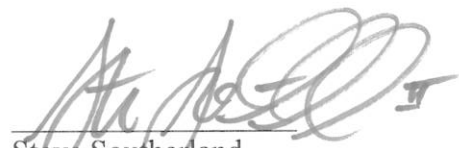
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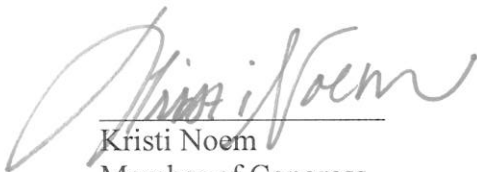
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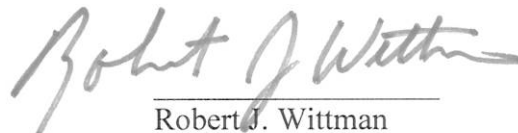
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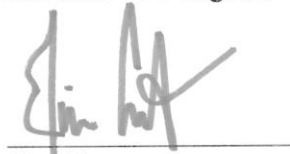
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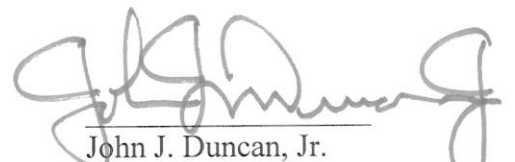
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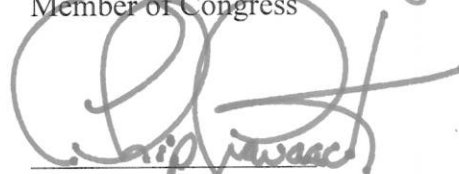
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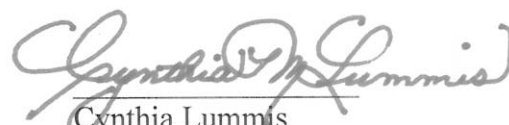
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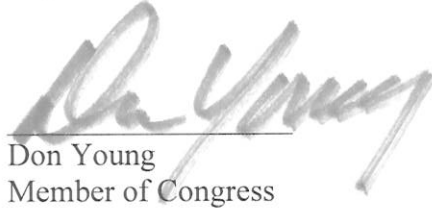
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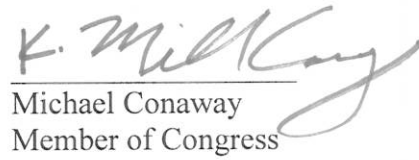


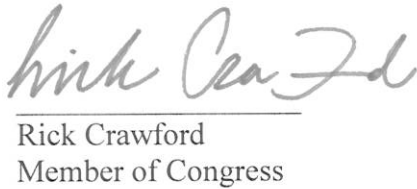
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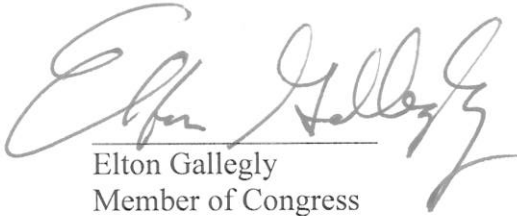

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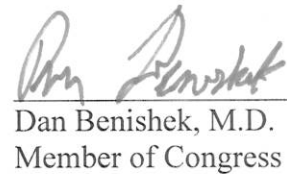

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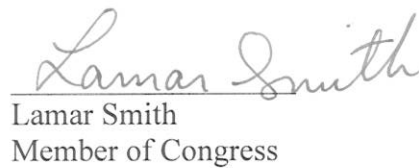

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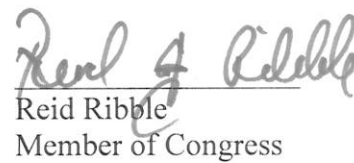

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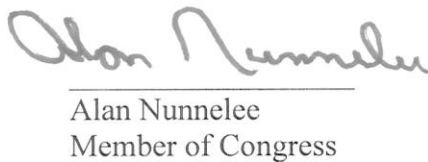

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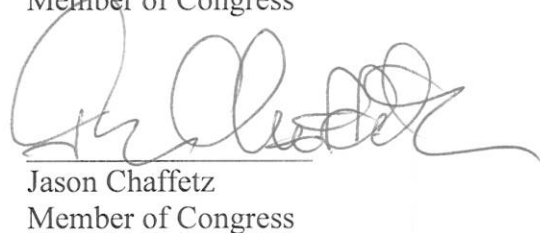

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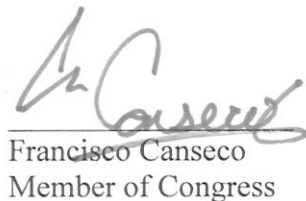

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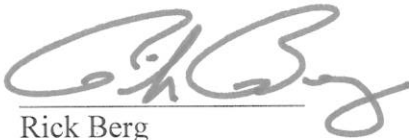
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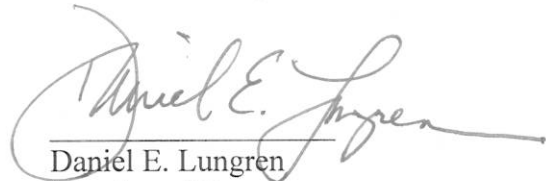
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Vicky Hartzler
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Cc: The Honorable Tom Tidwell, Chief, United States Forest Service