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Attributes

Response Type: 1 - Letter

Delivery Type: W - Web-based submission

IP Address: 134.114.212.143

Form Letter:

Comments

The need for change statement is flawed. The current language suggests that it is the need to incorporate a wide range of new issues into forest planning which is driving this rulemaking. But the real problem, and need for change, is that the courts have enjoined the Forest Service from using their previous rules, back to the year 2000 or 1982, because they violated the law. Rather than propose a rule which strictly complies with the governing laws, and which would therefore be expected to most resistant to court challenge, the Forest Service is attempting to embark on a social experiment in collaboration. In short, the Forest Service is mis-using the rule making process to make policy changes which go beyond those authorized or envisioned in the governing Acts.

The flawed need for change statement in the proposed rule is used to arbitrarily and capriciously eliminate from consideration Alternative G, the NFMA Minimum Requirements Rule alternative. Alternative G is, by definition, the alternative which should comply most strictly with the governing laws, and would therefore logically be the most resistant to court challenge. But it has been eliminated from consideration as not meeting the flawed need for change statement. This is very manipulative.

The proposed rule is de-facto rulemaking not only for the National Forest Management Act, but also for the Forest Landscape Restoration Act (FLRA), Title IV of Omnibus Public Land Management Act of 2009. Section 4003 of that Act establishes the Collaborative Forest Landscape Restoration Program, and this proposed rule is an improper attempt to insert principles from that law into the planning rules formulated under the NFMA. The word "collaboration" occurs 31 times in the proposed rule, and the word "collaborative" another 36 times. But neither word occurs in the National Forest Management Act (NFMA) or the Multiple Use-Sustained Yield Act (MUSY). It should be noted that the FLRA does not amend or supersede the NFMA or the MUSY. Therefore, the aspects of the rule dealing with collaboration go beyond the scope of the NFMA and the MUSY, and are therefore arbitrary and capricious.

There is no scientific evidence that collaboration on this scale will be effective, efficient, or sustainable. There is no scientific basis for the reliance on collaboration as the mechanism for sustainably managing our National Forests.

The requirements for technical analysis to, among other things, demonstrate the sustainability and anticipated cumulative effects of the forest plans, are woefully inadequate. Without quantitative analysis of costs, benefits, and risks, forest planning becomes just a political process of satisfying special interests and their often short-sighted goals. "Stakeholders" can also be thought of as a collection of special interests. It is the responsibility of the Forest Service to look out for the public interest, which may not be the same as the interests of the stakeholders. Excessive attention to the concerns and views of stakeholders will divert the Forest Service from its primary responsibility of serving the public interest.

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Created On	5/16/2011 12:48:00 AM