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October 10, 2007

Planning Rule Comments
PO Box 162969
Sacramento, CA 95816-2969

Re: 2007 Planning Rule Comments by Northwest Mining Association

These comments are offered by the Northwest Mining Association on the proposed planning rule that sets the framework for National Forest System land management planning.

Northwest Mining Association (NWMA) is a 112 year-old, 1,650 member non-profit, non-partisan trade association based in Spokane, Washington. Our members reside in 33 states and are actively involved in prospecting, exploring, mining, and reclamation closure activities on USFS administered land. Our membership represents every facet of the mining industry, including geology, exploration, mining, engineering, equipment manufacturing, technical services, legal services, and sales of equipment and supplies. Our broad-based membership includes many small miners and exploration geologists, as well as junior and large mining companies. More than 90% of our members are small businesses or work for small businesses.

The proposed rule adds provisions to require each Forest unit to develop an environmental management system (EMS). These provisions were also part of the final 2005 Rule that was enjoined by a United States District Court. The provisions require the Forest Service to define a structure and system of organizational activities, responsibilities, practices, and procedures for carrying out the Agency environmental policy. The Forest Service conducted a pilot test for EMS on 18 National Forests in FY 2006, and acknowledges that there were several problems identified in the pilot testing of unit EMS'.

The Forest Service identified the problems that unit Environmental Management Systems created: "(1) Creates many redundancies, (2) burdens filed unites with unnecessary duplicative work, (3) introduces inconsistencies, and (4) makes it difficult to assess regional and national trends emerging from EMS efforts because there is no standardization between units." The Forest Service proposes to resolve these problems by creating a single national framework to serve as the basis for an EMS to be developed on each unit. The framework will include three focus areas: sustainable consumption, land management, and local. Sustainable consumption concentrates on the consumption of resources and related environmental impacts. The land management focus identifies that each local unit EMS will at a minimum include: Vegetation management, wildland fire management, and transportation system management as significant aspects.

The proposal states that each unit will implement an EMS and that the EMS will support a foundation for effective adaptive management, plan amendments, or even changing specific project or work practices. There are two ambiguous (and perhaps overly optimistic) statements that conclude the EMS section. One

indicates that the Agency expects, whenever possible, EMS and plan documentation will be coordinated and integrated to avoid unnecessary duplication, and the other indicates that an EMS will not replace any legal obligations that the Agency has under NFMA, MUSYA, NEPA or any other statute, nor will the EMS diminish the public's ability to participate in the land management process or its rights under any law. We believe these agency expectations are unlikely to be met under the proposed rule.

The National Forest Management Act requires the Secretary of Agriculture to assess Forest lands, develop a management program based on multiple-use, sustained-yield principles, and implement the plan on each unit of the national forest system. The plans must be in accordance with the National Environmental Policy Act of 1969 and must consider economic and environmental factors.

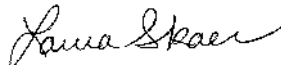
In a sense, every Forest Plan is an Environmental Management System and requiring that each Forest develop an additional EMS is redundant and unnecessary. The last Chief of the Forest Service identified one of the greatest problems of the Forest Service as the excessive procedures and redundant unproductive paperwork analyses that prevented actions from being taken and work from being accomplished. The EMS system being proposed in the planning rule appears to us to add to this problem of more analysis being added to Forest Plan programmatic EIS's, and project NEPA decisions. It suggests that the Forest Service does not believe existing Forest Plans and those under revision have been done or will be done in an environmentally sound manner and that these Plans will not stand environmental review without an EMS to guide further environmental considerations. This is not a fair assessment.

The proposed rule states that each local unit EMS will at a minimum include: (1) Vegetation management, (2) wildland fire management, and (3) transportation management as significant aspects. These three elements are significant items of analysis in each Forest Plan already. Each element has had alternatives developed and analyzed in the unit plan and a preferred alternative selected with public input.

To develop a unit EMS that will do this same work again is both redundant and unnecessary. It's an additional burden and a classic example of the "analysis paralysis" that has developed within the Forest Service. As mentioned above, the agency itself has recognized this problem as one of the most significant roadblocks to effective decision making, and one that needs to be reduced, not added to as proposed in this rule. Many actions need to be implemented in an environmental sound manner as quickly as possible.

We ask that the Forest Service reconsider the EMS requirements in the planning rule, and instead develop a system that simplifies and speeds up the process and that better utilizes the Forest Plan and the experience gained from mitigating environmental impacts. The pilot experience with EMS identified many problems and demonstrate there must be a better less burdensome and redundant solution than that proposed in the planning regulations.

Sincerely,



Laura Skaer
Executive Director

LS/kw