

2D

Decision-Making Linkages

SUMMARY OF IMPORTANT ISSUES AND TRENDS OVERVIEW FINDINGS

1. Local Planning
2. Tribal Planning
3. Statewide Planning
4. Forest Planning
 - a. *Public Participation in Forest Planning*
 - b. *Regulation by Other Agencies*
 - c. *Coordination between Jurisdictions*
 - d. *Decision-Making Space*
5. Challenges Facing Effective Planning



SUMMARY OF IMPORTANT ISSUES AND TRENDS

- Local planning efforts need improvement to adequately address public lands and natural resources and to effectively collaborate with the Forest Service. (*see Local Planning*)
- American Indian tribes would like to expand their involvement in Forest planning to achieve mutual goals. (*see Tribal Planning*)
- Statewide plans and planning tools can improve coordination between local and Forest Service planning. (*see Statewide Planning*)
- Forest planning is a complex process involving numerous people, groups, and agencies with a variety of interests. (*see Forest Planning*)
- People expect to be included and heard in Forest planning efforts, but are also frustrated by a feeling their input is not effective. (*see Public Participation in Forest Planning*)
- Numerous agencies that have some authority over resources found on Forests shape Forest Service management. (*see Regulation by Other Agencies*)
- Numerous entities share jurisdiction over different lands in this region and often coordinate to meet overlapping goals. (*see Coordination between Jurisdictions*)
- Forest Service decisions are bounded by many different legal and policy requirements. (*see Decision-Making Space*)
- Forest planning is frequently slow, contentious, and results are often delayed by legal challenges. Many people involved, including the Forest Service, express frustration with how decisions and actions are made and are looking to collaborative planning to help address these challenges. (*see Challenges Facing Effective Planning*)



OVERVIEW

Planning is one way people are connected to land, and one of the most significant ways that they can exert influence over it. Decision-making Linkages are the connections between different people who make decisions about the land. Planning and decision-making are primary activities of the Forest Service and have been estimated to demand roughly half of their time and resources. The Forest Service is not the only entity that makes decisions affecting the forest and its resources. State and local governments also have control for such things as public safety, road maintenance, water conveyance, and wildlife management, both off and on Forest lands. These different planning processes and requirements are not always clear to the public or to different agencies. This planning overview helps explain the full range of activities and regulations that shape land use decisions in different jurisdictions.

This outline of planning and decision-making linkages draws from the various plans and regulations that govern public and private lands. Many local plans were reviewed to understand the issues important to communities and that relate to public lands. This review includes county planning and zoning, regional plans created by travel councils, associations of governments, or special service districts, and state-level plans that relate to the study area. Further issues were identified at the county collaborative workshops conducted as a part of this assessment. Plans created by federal agencies such as the Bureau of Land Management were also reviewed, but were not included in this assessment because they are currently being revised. Additional regulations that affect public lands planning were collected from a review of federal laws, which apply to the Forest Service and environmental protection. Finally, tribal legal and planning processes and requirements were reviewed.

The planning documents used by counties, forests, and tribes are listed and more fully summarized in *Section 4—Profiles*. A more detailed review of planning and legal doctrine relating to American Indian Tribes is located in *Section 2G—American Indian Tribes* and in *Appendix A11—American Indian Legal and Policy Framework*.

A more detailed description of this linkage and how it relates to the other ways people are linked to the forest can be found in *Appendix A2—Linkages to Public Land Framework*.

FINDINGS

1. Local Planning

Local planning and zoning is used to protect, utilize, or allocate land and other resources for the benefit of individuals or the community as a whole. Other local decisions, such as the public works projects and allocating funds also shape land use and have the potential to affect Forests. State and local planning documents were used in this assessment to help identify community issues related to Forests. Because plans are based on historical data, community input, and long-range goals, they are often more representative of a community's overall perspective than comments gathered from public input opportunities. Summaries of these plans and the issues that surround these communities are included in *Section 4B—County Profiles* and they are also listed in *Appendix A6*.

Local regulations pertaining to public lands and to the privately-held lands within and near them vary widely between counties. While federal and state entities have some immunity from local regulation, most agencies are required to comply with local wishes to some

degree. The National Forest Management Act of 1976 (NFMA) recommends that the Forest Service coordinate their planning efforts with local agencies when conducting federal land planning. The BLM is guided by a similar mandate, the Federal Land Policy and Management Act of 1976 (FLPMA), which requires cooperation. There is a local expectation that the Forest Service and other land management agencies fulfill their obligations to recognize and consider local plans. Most federal agencies do try to coordinate their planning with local jurisdictions, but the patchwork of regulations they are required to follow, makes it more difficult to create and implement effective plans.

Local plans also have their limitations. One primary complaint about local planning, voiced by the communities themselves, is that plans are not dynamic. They are written once every ten or twenty years and don't adapt to changing times and trends. Many of the plans provided by the counties for this study do not include some current issues that are now of greatest significance to planners. Most county plans give a substantial account of their early settlement history, but only a few plans explain their economic projections and intentions in the context of historic trends and emerging opportunities. These plans tend to reflect the interests of long-time residents with less regard for emerging trends or concerns of newer residents. For example, several of the general plans written in the 1990s make little or no mention of OHV uses, have only a passing mention of the impact of drought, and only briefly mention wilderness.



Local planning efforts need improvement to adequately address public lands and natural resources and to effectively collaborate with the USFS.

Local municipalities have increasingly made public lands a planning priority in recent years as they tackle the issues shared across their boundaries. Many local community leaders spend a large portion of their time at planning meetings discussing public lands, but their local plans and planning processes are inadequate to guide this process. Their plans typically are not well-coordinated with the plans of other communities, and agencies. Programs and actions to deal with issues such as recreation, access, water, fire, or noxious weeds often stop at boundaries, leaving both sides vulnerable to spreading problems.

Many plans and ordinances not only lack much discussion of public land and resource issues; they also use a different approach and vocabulary than plans of land management agencies. A common language and understanding of the process would help local communities interface better with agency planning efforts. To assist an ongoing, working relationship with federal agencies, the Utah Governor's Office of Planning & Budget is developing a model plan to help counties interface more directly with land management agencies. A draft of this "*County Resource Management Planning Tool*" can be found in *Appendix A7—Statewide Programs Fostering Collaboration*.

There is an obvious need to update local plans and bring planning efforts on shared resources closer together, but planning is an expensive and time-consuming task. This is especially true for rural communities with very limited administrative resources. Many small communities simply don't have the staff or volunteers to keep plans current. They frequently feel at a

disadvantage to other agencies and well-funded interest groups because of the shortcoming. Also, in this study area, many other agencies (in particular, the BLM) are developing plans concurrently, making meaningful participation in each one difficult.

While Forest Service and other agency staff are often invited to be on county planning steering committees, ongoing communication and collaboration is often lacking. Forest Service participation in local planning can help the agency better understand the issues and challenges facing their closest constituents and how they the Forest Service, too. Forest Service participation in economic development matters is also desired to share potential opportunities and limit possible negative impacts of decisions.

2. Tribal Planning

Utah tribes are governed by federal trust responsibilities and legal obligations that have shaped their planning and decision-making processes. Each tribe has varying degrees of access and rights to land and resources that are distinct from those of the general public. For example, tribes may or may not own the mineral rights of their land base, depending on how these lands were granted to them. Tribal members may also have different privileges regarding protected wildlife species, in order to protect established religious practices that utilize them. Tribes also have an established channel to cooperate with federal agencies through the consultation process.

Many policies regarding land and resource use are based on legal precedent. Some issues concerning tribal rights are still unclear and are being legally determined. Many tribal land and resource decisions and actions are driven by legal challenges that tribes initiate in order to secure or confirm rights they claim as sovereign nations and as the original inhabitants of this region. These legal actions can set or change legal precedents and have a tremendous impact on resource use or ownership on their own lands and on those managed by others, including the Forest Service. The uncertainty this poses can be frustrating to the Forest Service and other jurisdictions who try to collaborate with tribal nations.

American Indian values regarding land have shaped a different attitude toward land planning. Tribes see land as something people are a part of and land is collectively owned. Most land is owned collectively by the tribe in trust, but a small amount is held by tribal members. Thus, planning and zoning is less focused on individual parcels and rights and more on communal efforts. Further, due the rural nature of these lands and the slow growth of these communities, development demands are limited and planning and zoning are executed only as needed. Much of the focus of tribal planning is instead on economic development. Economic development plans are more common and used more frequently. Tribes have stated that a primary planning goal in participating in Forest planning is to develop culturally-aligned economic development projects and partnerships.



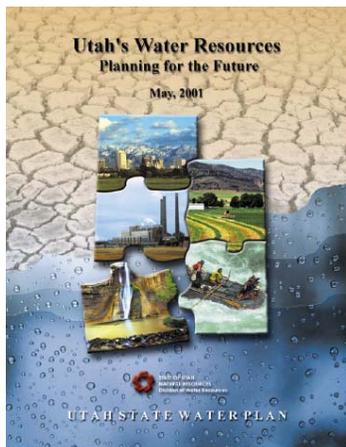
Utah tribes would like to expand their involvement in forest management to achieve mutual goals.

The tribes in this study area want to participate in Forest land and resource planning, and wish to strengthen their relationship with the agency. The Forest Service is mandated to establish personal contact with the tribes and to do this through a formal consultation process. A dialogue between the Forest Service and Utah tribes concerning this forest plan revision has not yet been established. Tribes are in the process of determining for themselves how they wish to communicate with the Forest Service in this process.

These tribes have expressed interest in a more collaborative approach to working with the Forest Service. Yet, they often do not have the staffing or finances to do so. Tribes are more willing to participate when they have the same capacity as other collaborators. All sides recognize that establishing personal relationships is the most important first step. Members have also identified a number of goals and projects that could be achieved through partnerships with the Forest Service. A more detailed description of such proposals and the legal statutes that govern tribes can be found in *Section 2G—American Indian Tribes* and in *Appendix A11—American Indian Legal and Policy Framework*. More details on tribes can also be found in *Section 4A—Tribal Profiles*.

3. Statewide Planning

Planning by state agencies takes a broad look geographically, but in the context of a single issue or resource, such as water, tourism, or roads. Plans are primarily done by departments that have jurisdiction over a specific issue, activity, or resource. For example, water



Statewide plans and planning tools can improve coordination between local and USFS planning.

issues are covered by the Division of Water Resources, and transportation by the Department of Transportation. For the most part, these plans are more current than local plans. While these plans serve as a good blueprint for local communities, they do not integrate the full range of issues necessary for a comprehensive local plan.

The Utah Governor’s Office of Planning & Budget (GOPB) is the primary entity looking at state-wide growth and quality of life issues. GOPB does not actually conduct planning directly, but instead creates tools to help communities plan comprehensively and coordinate with different agencies. GOPB is developing the “*County Resource Management Planning Tool*” to help local communities integrate their planning with other entities and in particular with land management agencies. The County, Tribal and Forest profiles developed for this assessment are also intended to be used for

a variety of planning efforts. More information on these and other statewide planning efforts relevant to the study area can be found in *Section 4D—Statewide Profiles*.

4. Forest Planning

Just as forest ecosystems are complex, the various interests and issues regarding them make forest planning equally intricate. In addition to their responsibilities as stewards of Forest land, the Forest Service serves a diverse constituent base. This includes local residents, occasional users, businesses and industries, other agencies, and the American public with interests as varied as recreation, agriculture, and industry. Increased public participation,

awareness, and involvement recently have further heightened the expectations. In tandem with these stakeholder concerns, the Forest Service is legally bound by numerous policy and legal statutes that drive Forest management. It is no surprise then that planning has become one of the Forest Service's primary activities today.

Federal planning is more extensive and developed than the typical plans of counties and municipalities in this region. Forest Service actions are guided by numerous plans that can be categorized into roughly two tiers of planning. At the highest level is the Forest Plan, which sets overall goals for the entire Forest. The Forest Plan helps guide site specific decisions made by Forest supervisors and district rangers, but it does not prescribe specific actions. The plan is informed by a series of assessments that paint a general picture of current and desired future conditions. It sets objectives and standards to achieve desired conditions, suitable and unsuitable uses, special designations and ongoing monitoring strategies. Public input is a requirement in developing a forest plan. More detailed assessments are often undertaken to better understand specific conditions in specific areas in order to chart a course for action. Like the Forest Plan, these assessments provide the background for action. These assessments can include public participation, although it is not required. At the most detailed level, project-specific plans are created to determine the exact course of action. These plans implement the forest plan and contain the decisions that make actual changes to the landscape. They are also typically done at the district level, and include public participation, which may be required according to NEPA. A summary of plans developed for each forest can be found in *Section 4C—Forest Profiles*.



Forest planning is a complex process involving numerous people, groups, and agencies with a variety of interests. Forest Service decisions are bounded by many different legal and policy requirements.

a. Public Participation in Forest Planning

Numerous people and groups participate in forest planning. People linked to the forest beyond the local vicinity tend to have more limited and specialized linkages to the forest—such as recreation, hunting, and concern for native plants and animals. These groups often have more abstract, philosophical ideas about how to manage it rather than site-specific concerns. They also have more limited opportunities to participate in Forest planning from a distance. Many interest groups believe public involvement opportunities are not adequate to engage the forest in their concerns and frequently use political and legal means to shape forest decisions. These interests are further discussed in *Section 2F—Interest Linkages*.



People expect to be included and hear in Forest planning efforts, but are also frustrated by a feeling their input is not effective.

Local residents have numerous and diverse linkages to the forest as well as a strong sense of stewardship. The original mandate for the Forest Service was to protect timber and water resources, which have

long been important to local communities. Local residents believe they should be allowed greater input into forest decisions because these decisions directly affect their livelihood. An important, established link to Forest Service decisions is through elected officials, but many local residents perceive that their influence has been diminished today. They are often frustrated by outside groups, including distant legislators and non-local activist groups wielding significant control over forest management that directly affect them. Many counties and towns with smaller populations have limited resources to work on these issues and are financially reluctant or unable to engage in expensive legal actions to uphold their stance. Local entities believe they are at a disadvantage compared to advocacy groups with professional, paid staff and legal funds. Also, they observe that planning increasingly draws Forest Service staff into the office and away from the field, thus reducing their connection with local residents.

Local residents support active, on-the-ground management and dislike blanket regulations and designations that don't accommodate individual circumstances or ideas. They also think community members need more funding and a better understanding of the planning process to be involved effectively. They are often overwhelmed by the numerous different planning processes conducted by different agencies and would like streamlining or coordinating the numerous plans.

b. Regulation by Other Agencies

Numerous other agencies have authority over some resource found on the forest. Many Forest Service decisions are shaped by coordination with other agencies or compliance with federal regulations that apply to public lands and resources. Some of the rights or regulations that are regularly applied and the agencies that enforce them include:

- *Clean Water Act, Clean Air Act* Utah Division of Environmental Quality (DEQ) and US Environmental Protection Agency (EPA)
- *Endangered Species Act* US Fish and Wildlife Service (USFWS)
- *Mineral leasing* Bureau of Land Management (BLM) and State and Institutional Trust Lands (SITLA)
- *Fish and game management* Utah Division of Wildlife Resources and US Fish and Wildlife Service

While the powers of each of these agencies were created with good intentions for protecting the public interest, the numerous regulations can often be at odds with one another and make it difficult, if not impossible for the Forest Service to meet all their requirements and still create an effective plan. As the 2002 Forest Service report "*The Process Predicament*" describes, the primary focus of regulatory agencies is,

“not on long-term outcomes, but rather on the immediate risks to a particular resource, such as a threatened or endangered species or the quality of the air on any given day, that is governed by the rules they enforce.”

Such narrow objectives can hamper long-range planning done by both the Forest Service and local entities. It is also difficult to anticipate the independent decisions of these regulatory



Numerous agencies that have some authority over resources found on Forests shape Forest Service management.

agencies. This can make collaboration ineffective, even if every party is involved in the process.

In addition, there is sometimes confusion over which agency or district is responsible for a decision. In one example related by Piute County, the Utah DWR gave permission to hunters to retrieve game off-trail on their ATVs, while other users were not allowed to travel cross-country. This created confusion over the rules and resentment when the privilege was abused.

c. Coordination between Jurisdictions

Different planning entities often coordinate when the benefits are obvious. Some of this coordination is governed by legally binding requirements, while others are essentially “best management practices.” Memoranda of Understanding and Cooperative Agreements can formalize participation, sharing of personnel and resources, and coordination of planning practices, to enhance public participation. However, many opportunities are left unnoticed.

Coordination between the Forest Service and local jurisdictions is recommended by NFMA but rarely results in truly integrated plans. Greater ongoing forest involvement in local planning and vice versa is needed to seamlessly coordinate resource management and protection. Cooperative planning, as recommended in *Section 3B—Recommendations* could maximize these efforts and develop creative solutions.



Numerous entities share jurisdiction over different lands in this region and often coordinate to meet overlapping goals.

d. Decision-Making Space

A complex and sometimes contradictory web of regulation and processes guides Forest Service planning and sets the stage or “decision-making space” for planning. Several major Congressional acts, including the *Multiple-Use Sustained-Yield Act of 1960* and the *National Forest Management Act of 1976* established the Forest Service and defined its purposes. In addition, Congress has also passed laws in the last 30 years to set policies and processes for environmental protection, including the National Environmental Policy Act (NEPA). The Forest Service is required to follow these federal mandates and are also advised to respect state and local regulation and plans as well as the goals of other agencies. Citizens and interest groups often use legal actions to hold agencies accountable to these laws and policies. All of these factors limit the discretion the Forest Service has in its decisions.

While the Forest Service is determined to meet its conservation and multiple-use, sustained yield mandates as best as it can, it must juggle how, when, and where this is possible. As the Forest Service attempts to meet its established obligations and support desired uses, it must simultaneously determine whether the land is capable of providing for all of these uses.

5. Challenges Facing Effective Planning

Many stakeholders, including Forest Service employees, expressed frustration with the delays, lawsuits, and procedural hurdles that often make Forest planning and implementation ineffective. Procedures and opposition often slow decisions to the point where they are made in vain. In one example given by San Juan County, trees killed by insect infestations lost their value as timber and became a fire hazard as they stood, waiting for a decision. In this case and others, decisions weren't made within the time limit in which a proposed action was practical.

The Forest Service has extensively studied the challenges they face in making decisions. Many of the issues are documented in the 1999 “*Committee of Scientists*” report, and the 2002 “*The Process Predicament*” report. The latter report estimates that planning consumes 40 percent of total direct work at the national forest level—an expenditure of more than \$250 million per year. The report further concludes that improving administrative procedures could shift up to \$100 million a year from unnecessary planning to actually delivering the services on the ground. The report concludes the primary obstacles to achieving forest goals are: excess analysis, ineffective public involvement and management inefficiencies. These reports also highlight the Forest Service’ shift from the content of the plan itself to a focus on the process of developing the plan as well.



Forest planning is frequently slow, contentious, and results are often delayed by legal challenges. Many people involved, including the Forest Service, express frustration with how decisions and actions are made and are looking to collaborative planning to help address these challenges.

The Forest is an ever-changing resource and needs to be approached from a dynamic perspective. Plan updates every 10 to 15 years are not adequate to address current issues and coordination challenges. Stakeholders agreed that planning and management needs to continuously adapt, learning from past efforts and adjusting quickly to new trends. Such “adaptive management” relies on current and reliable data.

The Forest Service is directed to monitor and evaluate trends to adjust to changing conditions. In some cases, as with grazing permits, this has been a fundamental part of determining suitable levels of use. In others, it has been too sporadic or unreliable to contribute substantially to planning. This is particularly true for many social uses, like recreation.

Data is often used simply because it is available and not necessarily because it the most applicable. There is also disagreement on what data should form the basis of decisions. While science does strive to be objective, results often vary on the perspective of the scientist and the way the question is framed.

As forest planning has become more complex and time-consuming, many people perceive they aren't well represented in the decisions made. Frequent criticisms include: discontent with how their concerns were fielded; the contentious nature of public input opportunities; uncertainty about the data used; suspicion over how decisions were actually made following their input; and only minimal involvement in the process. Many people in this assessment

expressed a desire to be more involved in planning and management, but the process needs to be meaningful and accessible.

A collaborative style of planning has been proven to increase effectiveness and involve people in ways that grant them greater responsibility for decision as well as their own actions. The Forest Service and this assessment team adopted a more collaborative approach to this Forest plan revision. This approach has been welcomed by the state, local, and federal agencies as well as the public. Similarly, Utah tribes have identified partnerships and collaborative projects as their primary goal for this forest plan revision. Participants in the process expressed their appreciation and said they felt that their views were being heard and utilized.

A need for collaboration planning is one of the primary conclusions of this assessment and its benefits are discussed further in *Section 3B—Recommendations*. Collaborative processes are becoming more common in Forest Service planning, and several examples in this region are described in *Appendix A8—Local Examples of Collaborative Planning*.

