National Forest Management Act

NFMA Beginnings

- Primary statute governing the administration of national forests.
- Expanded and amended the Forest and Rangeland Renewable Resources Planning Act of 1974, which called for the management of renewable resources on national forest lands.
- NFMA requires the Secretary of Agriculture to assess forest lands, develop a management program based on multiple-use, sustained-yield principles, and implement a resource management plan for each unit of the National Forest System.
- Created in response to public concerns over:
  - Forest Service's essentially unbridled discretion,
  - Bias in favor of local interests and timber interests, and
  - Continued use of clearcutting methods of tree harvest which decimated habitat and water quality.
Basic Requirements

- The Forest Service must prepare a “land resource management plan” (LRMP) for each national forest.
- LRMP must ensure the diversity of plant and animal communities and maintain “viable populations” of existing and desired species “where appropriate” and "to the degree practicable.”
- LRMPs must provide for “outdoor recreation (including wilderness), range, timber, watershed, wildlife, and fish.”

Procedural Requirements

- U.S. Forest Service must complete forest planning process for each of 156 separate units of the National Forest System.
- Planning process must be conducted in accordance with NEPA, insuring formal public involvement.
- Forest planners must use an interdisciplinary approach, incorporating the full range of natural sciences in to the process.
- Forest plans serve as blueprints for all future management projects, such as timber sales, which must be consistent with the forest plan.
Procedural Requirements

- Forest plan is similar to a zoning map, with the entire forest divided into various zones or “Management Areas.”
- Each Management Area contains standards and guidelines that control the type of activity that may occur.
- Management Areas are denoted for wildlife winter range, riparian areas, semi-primitive recreation, and timber production/wildlife.
- In some Management Areas, timber harvest is forbidden; in others, it is superseded by wildlife needs; in others, it is the dominant use.
- The forest plan also contains standards and guidelines, which apply to all Management Areas within the forest.

NFMA contains a wide range of substantive restrictions on timber harvest, many which are implemented along with forest plans.
- Clearcutting recognized as a legitimate method of timber harvest, but may be used only where it is determined to be the “optimum method.”
- Strict limitations are placed on the size of clearcuts, and protection must be provided for soil and watersheds.
- Harvest units must be able to achieve regeneration within five years.
The NFMA also reaffirms both the multiple-use and sustained-yield concepts of MUSY and recognized wilderness as one of those uses.

The principle of sustained-yield timber harvest was separately defined as “non-declining even flow.”

“Unsuitable lands” must be excluded from harvest.

Forest roads be constructed in a cost-effective manner.

National forests must maintain biological diversity.

Substantive Provisions

Five general substantive areas:

- diversity of plant and animal communities,
- monitoring and assessment of management practices on land productivity,
- conditions under which the Forest Service can increase harvest levels,
- suitability guidelines for timber harvesting,
- limitations on the use of even-aged management.
Ensuring Diversity

Implementing regulations specify guidelines to:

- provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives,
- within the multiple-use objectives of a land management plan provide, to the degree practicable, preserve the diversity of tree species similar to that existing in the region controlled by the plan.

Two overall management directives:

- first, that viable populations of existing forest vertebrates be maintained and well distributed; and second, that the Forest Service designate certain vertebrate and/or invertebrate species whose population changes are believed to indicate the effects of management activities as Management Indicator Species (MIS).

Ensuring Diversity

- “Management prescriptions, where appropriate and to the extent practicable, shall preserve and enhance the diversity of plant and animal communities . . . so that it is at least as great as that which would be expected in a natural forest and the diversity of tree species similar to that existing in the planning area.”
- Regulation makes clear that the Forest Service may reduce the diversity of plant, animal and tree species only where needed to meet overall multiple-use objectives.
Post-Plan Changes: Monitoring, Assessment and Plan Amendment

- Forest plans must provide for continuous monitoring and assessment of the effects of management practices to ensure that they “will not produce substantial and permanent impairment of the productivity of the land.”
- Forest plans shall contain “[m]onitoring and evaluation requirements that will provide a basis for a periodic determination and evaluation of the effects of management practices.”
- Forest plans must be revised “from time to time when the Secretary finds that conditions in a unit have significantly changed, but at least every fifteen years. . . .”
- Forest Supervisor may amend the forest plan, and supervisor “shall review the conditions on the land covered by the plan at least every 5 years to determine whether conditions or demands of the public have changed significantly.”

Suitability Guidelines

- Economic Suitability and Below-Cost Timber Management
- Physical Suitability
  - Soil, Slope & Watershed Limitations
  - Five-Year Restocking
  - Water Conditions & Fish Habitat
Even-Aged Management

- Even-aged management can be used in national forests only when certain conditions are met.
- For all methods of even-aged management, the agency must insure that “such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.”
- Clearcutting, the most common and controversial method of even-aged management, was a primary focus at the time NFMA was enacted.
- NFMA provides that for clearcutting to be used, it must be “determined to be the optimum method . . . .”
- The regulations prescribe size limitations on clearcuts, but do allow exceptions “where larger units will produce a more desirable combination of net public benefits.”