



IV. The Land-Management Planning Process

The best way to influence management on public lands is to become known to the managers and express your interests to them. It is important to get to know the CDFG wildlife biologist(s) in your bioregion of interest. He or she will know what specific projects or practices in an area are affecting deer habitat and can often suggest ways to put your concern and energy to best use. Get to know the USFS forest supervisor and district ranger, or BLM resource area manager, and their technical support staff of wildlife biologists and range managers. It is critical to let them know that there are people interested in deer and in improving deer habitat on our federal lands. Ask to be on any citizen advisory committees they may have and participate in them. Request notification of proposed land-management activities and the supporting environmental documentation, and submit your comments during the appropriate periods.

Opposite Page: *Northeastern California BLM livestock allotment. Riparian areas such as these wet meadows and seeps are a critical habitat component for mule deer and other wildlife in Great Basin ecosystems. Competition in these areas from livestock can be a significant limiting factor.*

Photo by Eric Loft

A. Federal

As described in the previous sections, the USFS and BLM are the agencies that manage the majority of the deer habitat in California. Thus, the best way to affect deer habitat is to influence management on these public lands. This is your land, and federal land managers are working for you. But, you must make your opinions and wishes known to the federal land managers and become involved in the review process of management decisions. You will also need patience. Simply commenting or writing letters does not ensure that you will be successful. Things may happen slowly, and you will not always get the results you want. Often there is a variety of competing interests trying to influence land management, and you must provide your opinions clearly, at the appropriate time, and in the appropriate way.

Formal interactions with agencies are often necessary, and you must know the process for commenting on agency plans and decisions. USFS and BLM operate under several of the same federal laws and both must manage for multiple resources, but they differ in some of the specifics of the land-management planning processes for actions that may affect deer habitat. To be effective you need to understand the system. Much of the following information is based on two excellent documents. One, *How to Appeal Forest Service Project and Activity Decisions*, by The Wilderness Society (900 Seventeenth St., NW, Washington D.C. 20006-2596, 202-429-2612), deals with a variety of types of management activities. The second, *How Not to Be Cowed*, by Johanna Wald (available from the Natural Resources Defense Council, 414-777-022), discusses how to influence grazing decisions on BLM lands. If you are serious about wanting to benefit deer habitat by influencing management of public lands, these documents will help to guide you through the process. They even contain examples of the types of requests and comments you may wish to make.

Federal agencies must follow the National Environmental Policy Act

(NEPA), which requires them to identify and describe the environmental impacts resulting from any proposed “action” and its alternatives. These actions can include finalizing or amending a forest plan, which provides overall direction to management on an individual forest, or proceeding with a particular timber sale. NEPA requires that federal agencies solicit input from the public during the early stages of project planning. This “scoping” phase is your first opportunity to influence agency planning. According to NEPA, federal agencies must prepare an Environmental Impact Statement (EIS) whenever they propose an action “significantly affecting the quality of the human environment.” Often, an agency will first prepare an Environmental Assessment (EA), a relatively brief assessment of environmental impacts of a proposed project. If the EA indicates the effects will be significant, the agency prepares the EIS; if not, it issues a Finding of No Significant Impact (FONSI), and conducts the proposed action without an EIS.

1. U.S. Forest Service (USFS)

The USFS is the largest land management agency affecting deer habitats in California (Figure 5 on page 30), and its activities are particularly important to deer populations (Figure 6 on page 31). Because so much land and so many forests and activities are involved, it is probably wise to identify one or a few national forests or ranger districts of particular interest to you and to concentrate your efforts to influence projects there. The locations of national forests in California are shown in Figure 7 on page 33.

Your best chance for success will be in convincing the USFS to modify a project or activity to benefit deer habitat during the initial “scoping” stage of the public involvement process, well before significant time and money are expended and the final decision on the project is made.

You must get on the USFS mailing list to be informed of the status of various projects. Send letters to the appropriate forest supervisors and district rangers explaining the general type of activity for which you wish to receive notices. (See Appendix I on page 86 for a list of the addresses and telephone numbers of USFS offices in California). For example, you might request information on all NEPA projects, or on timber sales or grazing allotments on a certain ranger district, or just for a particular proposed road, timber sale, or

recreational development. (See The Wilderness Society's handbook for examples of such requests.) You will then be notified about appropriate projects and the period for public comments on them.

The USFS must provide a 30-day period for public comments on proposed management activities. This period begins on the first day after publication of the official notice for the particular activity or project. If you do not comment within this 30-day period, you will not have established "standing" and thus will not be allowed to file an appeal later if you disagree with the final decision for that project. In your comments, you need to include: 1) your name, address, and telephone number; 2) the specific title of the document in question, such as "Deer Ridge Timber Sale Environmental Assessment"; and 3) specific facts or comments that you want the agency to consider in making its decision, and why. These might be such things as enhancing deer habitat by minimizing brush suppression following timber harvest, excluding livestock from an aspen stand, or not building a campground along a migration route. Making comments during this stage of project planning may produce the best results. You may be able to modify a project by suggesting better alternatives before it is begun and avoid a time-consuming appeal.

The final decision on a project is made in a Notice of Decision. When the Notice of Decision has been made, if you think that it is particularly bad for deer habitat, you may file an appeal if you have established "standing" by having commented on or expressed an interest in the activity during the comment period. There are several types of decisions you may appeal: 1) you may appeal decisions evaluated in an EIS; 2) decisions in an EA, but found to have non-significant impacts (FONSI); or 3) timber sales documented in a decision memo. The appeal must be filed within 45 days of the Notice of Decision. There are no extensions. The agency then has 45 days to decide on the appeal. This agency review of an appeal provides the opportunity for higher-level decision-makers within the USFS to review controversial decisions made by their subordinates.

If you decide to participate in influencing decisions regarding management on USFS lands, and especially if you decide to file an appeal, closely review the document *How to Appeal Forest Service Project and Activity Decisions* mentioned previously. It contains much more detailed information on the steps in the USFS planning process, and has examples of letters to

forests asking to be put on mailing lists for NEPA documents, commenting on projects, and appealing a decision. However, the goal is for an appeal not to be necessary. Instead, potential conflicts should be resolved prior to a decision being rendered. This can only occur if there is active and consistent discussion throughout the planning process. It is critical that a partnership between the agency and the persons interested in deer be established.

2. Bureau of Land Management (BLM)

The BLM is required by law to manage public lands according to comprehensive land-use plans that incorporate the principles of multiple use and sustained yield. Multiple use means that fish and wildlife, ecological preservation, recreation, and watershed are given equal consideration in developing land use plans along with economic resources. Sustained yield requires a long-term perspective in management to ensure that the land's productive capability is maintained.

BLM makes decisions about livestock grazing at two levels: at the Resource Area level by developing Resource Management Plans (RMPs); and at the allotment level by issuing permits for the specific grazing allotment, developing Allotment Management Plans (AMPs), and making decisions based on monitoring. Decisions at both of these levels are important for deer habitats, and the public is entitled to be consulted at each level. Issues to be considered at both levels include numbers of livestock, amount of utilization of forage, range "improvements," condition of areas, water quality, and wildlife habitat. See Figures 5 and 6 on pages 30-31 for the distribution of lands managed by BLM in California and the locations of BLM Resource Areas, and see Appendix II on page 91 for a list of the addresses and telephone numbers of BLM offices in California.

There are three opportunities to comment on RMP's and influence their treatment of deer habitat: 1) when the EIS is being "scoped," that is, when issues are being identified; 2) upon release of the draft plan; and 3) after the RMP is issued. "Scoping" is the process of identifying the issues to be considered in the EIS. Deer habitat can be such an issue. Comments on the draft plan can call attention to areas you think are inadequate in managing for deer habitat. After the final RMP is issued, you can monitor BLM's compliance with the plan and implementation of priorities established in it.

In contrast to the RMPs, on which anyone may comment, only “affected interests” can participate in BLM decisions at the livestock allotment level. To become an “affected interest,” request in writing to the BLM Resource Area Manager that you wish to be designated an “affected interest” in a particular area. Explain how you are affected by grazing in that particular area; for example, you hunt or observe deer there and are concerned how grazing is affecting deer habitat. Request the appropriate documents for the area, such as the RMP and EIS for the area to become familiar with the plans. Then, you can determine whether allotment permits, AMPs, and decisions based on monitoring conform to the land use plan.

Again, it will be useful to obtain and thoroughly study a copy of *How Not to Be Cowed*. This booklet not only has much more detail than presented here, but also has sample letters that you can use as models for your own.

B. State of California

Much of the privately owned forestland in California is managed for timber production. The California Environmental Quality Act requires that the potential environmental impacts of timber management be disclosed. Before harvesting timber on private lands, the landowner must file a Timber Harvest Plan (THP). The THP is reviewed by, among others, CDFG personnel. THPs are open to the public, as are the pre-harvest inspections of proposed harvest areas. Call the California Department of Forestry and Fire Protection (CDF) Area Forester at the appropriate CDF regional office (See Appendix III on page 92 for telephone numbers and addresses) to be notified about THPs in your areas of interest.

