

# **NEWS RELEASE**

## **USDA Forest Service**

### **Alaska Region**

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**Public Affairs**  
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### **FOREST SERVICE PROPOSES MINOR AMENDMENT TO 2005 PLANNING RULE**

**JUNEAU**, Alaska - The USDA Forest Service is seeking public comment on a proposal to allow the Tongass National Forest to use either the 1982 planning rule or the 2005 planning rule for adjustments to its Forest Plan that are required by a recent ruling in the Ninth Circuit Court of Appeals. On August 5, 2005, the Ninth Circuit Court of Appeals issued a decision in *Natural Resources Defense Council v. U.S. Forest Service*, 421 F.3d 797, that requires changes and adjustments in the 1997 Final EIS and Record of Decision for the Tongass Land Management Plan.

The proposed rule would amend the transition language contained in the National Forest System Land Management Planning Rule adopted January 5, 2005. The transition language requires plan revisions initiated after January 5, 2005, to conform to the requirements of the January 5, 2005 planning rule. The proposed rule change would affect only the Tongass National Forest, and would allow that Forest to revise its land management plan to address the issues identified by the court either under the 2005 rule or the planning regulations in effect before November 9, 2000. The Forest Service is seeking public comment on this proposed rule to amend 36 CFR 219.14(d)(1).

One of the differences between the 1982 planning rule and the 2005 planning rule is that the former required the development of an environmental impact statement (EIS) as part of the process to revise a land management plan. For this unique situation, this proposed rule will allow the Tongass National Forest the flexibility to use either the 1982 planning rule or the 2005 planning rule to revise its plan to meet the expectations of the U.S. Court of Appeals for the Ninth Circuit.

Comments on the proposed rule are due by February 3, 2006, and may be mailed to: USDA FS Planning Rule Technical Amendment, P.O. Box 21628, Juneau, AK 99802-1628, attn: Cherie Shelley. Email comments may be sent to: [planning\\_rule\\_technical\\_amendment@fs.fed.us](mailto:planning_rule_technical_amendment@fs.fed.us). FAX comments may be sent to (907) 586-7852.