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House Press Gallery

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Fax to: Peter Goodman

JAMES V. HANSEN

COMMUNITY

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## Congress of the United States

House of Representatives

Washington, DC 20515-1401

December 27, 2000

President-Elect George W. Bush  
Vice-President-Elect Dick Cheney  
1616 Anderson Road  
McLean, VA 22102

Dear President-Elect Bush and Vice-President-Elect Cheney:

First of all, please accept my heartfelt congratulations on winning the presidential election! I am extremely proud to have you serve as our chief executives for many years to come. I know that we share many common goals regarding the future of our country's natural resources and confident that we can manage our resources and public lands through good stewardship while maintaining their ecological integrity.

After many years of being frustrated by the Clinton Administration's unreasoned and frequently absurd interpretation of law and Congressional intent, I am elated at finally having the opportunity to work with your Administration to correct the misguided direction the Clinton Administration has taken in their attempt to manage our natural resources. The House Committee on Resources, which I will chair, is committed to the sound and responsible stewardship of our public lands without the onus of overbearing rules and regulations.

In this light, I would appreciate your consideration and suggestions on a number of rules, regulations, and policy decisions formulated under the Clinton Administration that have caused considerable concern to me and, quite frankly, to many of our citizens. These rules, regulations, and policy decisions cover a multitude of resource issues and are in various states of completion. There is, however, one thing in common. They will have, if allowed to proceed or be implemented, a tremendous negative effect on the good stewardship of our public lands along with greatly limiting access to the citizens of this country. Because of this, I and many other Members on the Committee, have well-founded concerns regarding these rules, regulations, and policy decisions. We have concluded that all of these require immediate attention and review, thus, are requesting your cooperation in this regard. I look forward to working with you and your Administration to redirect these policy initiatives. Please consider the following, separated into the appropriate federal agencies, as those rules, regulations, and policy decisions that are of utmost concern.



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### National Park Service (NPS):

#### Snowmobile Prohibition in all National Park System Units:

On April 27, 2000, in response to a petition by 60 preservation groups represented by the Bluewater Network, the Department of the Interior, announced that they were "to immediately begin enforcing existing NPS national regulations regarding snowmobile use in the National Park System. The net affect of this renewed enforcement effort will be the significant reduction of recreational snowmobiling in most units of the System." Although the directive from the Interior Department and the Bluewater Network petition addresses snowmobile use throughout the park system, the most significant controversy stems from snowmobile use in Yellowstone National Park. The Interior Department's directive prohibits recreational snowmobiling from all units of the park system with limited exceptions.

In October of 2000, the NPS approved the Final Environmental Impact Statement for Yellowstone National Park which allows complete phase-out of snowmobiles in three years. Regulations for all the other national park units have, to date, not been issued. This is an important issue to many Members of Congress and the Committee.

#### Air Tour Overflight Restrictions/Soundscape Management:

A key and important area the Park Service has focused a major effort is "soundscape management" and the restoration of "natural quiet" to the park system. The NPS defines natural quiet as, "the natural ambient sound conditions found in the park". The NPS has also defined, "natural quiet" as a resource rather than a value. The Park Service has used "natural quiet" as the basis for severely limiting public access to a number of national parks such as Isle Royale in Michigan, Biscayne in Florida, and all the units currently allowing snowmobiles or personal water craft.

Air tours of the national parks, most notably Grand Canyon, is another form of access being severely restricted by the NPS. In 1988, Special Federal Aviation Regulation 50-2 (SFAR 50-2) was issued, establishing minimum altitudes and flight-free zones over portions of the Grand Canyon. SFAR 50-2 was highly successful in reducing visitor complaints about noise from tour aircraft. Even though natural quiet was restored, President Clinton again directed the agencies to "restore" natural quiet in the Grand Canyon by 2008. Thus, on March 28, 2000, the FAA issued a new set of rules concerning overflights. These rules included the modification of the air tour routes, and expansion of Flight Free Zones, and a limitation of the total number of commercial air tours in the Flight Area. However by implementing these regulations the air tour industry will be severely restricted and may not be able to provide this form of access to over 800,000 park visitors.



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Management Policy of "resource preservation" over "visitor enjoyment" Interpreting NPS Organic Act:

The National Park Service was created by the 1916 Organic Act, with the primary mission to "promote and regulate the use of Federal areas known as national parks, monuments and reservations . . . by such means and measures as to conform to the fundamental purpose . . . which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same. . . ." Although the dual mission of the Park Service seems abundantly clear, the law is being divided by the NPS which is promoting the "conservation of the resource" over and above "for the enjoyment of the same" by the public. The NPS, in their recently released draft Management Policies - 2000, states unequivocally that the parts of this provision of law are not equal. The NPS asserts that "[t]here are dual elements to the Organic Act's single fundamental purpose, but those elements are not equal. Rather, the Act is explicit that enjoyment of park resources and values is to be allowed only to the extent that can be done without impairing those resources and values." Moreover, a letter addressed to all Park Service employees crafted by the NPS Environment Leadership coordinator, stated that "[p]reserving and maintaining our precious resources for future generations is the most important part of our mission." As shown in the original intent of the Organic Act, however, conservation is intrinsically tied and cannot be separated with user enjoyment. These policy statements clearly show that the NPS has been moving to restrict and otherwise limit public access to our national parks for a number of years, especially under the Clinton Administration.

Personal Water Craft (PWC) Prohibition:

The use of personal water craft (PWCs) is also being restricted by the Park Service. Once again, citing noise intrusion as the primary basis of new regulations, the Park Service points out that PWCs have a negative effect on the park environment. According to a report by the Park Service, these noise problems are compounded by several other characteristics of PWCs. The NPS issued final regulations on March 21, 2000 which effectively closed PWC use in 22 of the 32 park units which had authorized PWC use. The 10 remaining units may also be closed to PWC use pending the outcome of the superintendents compendium. Just recently, the NPS has cut a deal, in the form of an out of court settlement, with the Bluewater Network, an environmental activist group, which expedites the rule making process to ban PWCs in all the park units. It is worth noting that the ban includes park units which are national recreation areas specifically designated for recreational use.

Bureau of Land Management

National Monuments on Public Lands

Beginning in September of 1996, President Clinton began the legacy of designating millions of acres of public lands as National Monuments under the 1906 Antiquities Act. The Resources Committee demonstrated through numerous investigations that these designations have all been



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completed without any public input and indeed over the strenuous objections of local and federal elected officials. The most recent designations which occurred in 2000 are currently in the planning process and slowing those planning efforts will give Congress an opportunity to review these designations in detail and make decisions accordingly. Vice President Elect Cheney and I have had a conversation about how to deal with these millions of acres of new designations which circumvented the public process and the legislative process. I look forward to working with you, your Secretary of Interior and those who are most affected by these designations to make sure each designation is warranted, completed in an open and fair manner, and has the approval of Congress.

#### Surface Management Rules Concerning "Hardrock" Mining

The so-called 3809 regulations (found in Title 43, Part 3809 of the Code of Federal Regulations), first promulgated at the very end of the Carter Administration, were rewritten by the Clinton Administration and published as a final rule on November 21, 2000 with an effective date 60-days later, i.e., Inauguration Day, 2001. This rulemaking process was the subject of several moratoria and other legislative directives to require the Secretary of the Interior to abide by the recommendations of the National Research Council panel from which Congress sought advice, for itself and the executive branch, as to the need for substantial revisions in the context of the panoply of state and federal laws governing mining impacts. Unfortunately, Secretary Babbitt chose to virtually ignore this guidance and has finalized a rule which would thwart investment in mining ventures on the public lands of the West, and likely adjacent private lands as well. Most egregious is a new provision, not properly noticed in draft rules for public comment, giving the BLM "mine veto" authority on public lands the Congress has not seen fit to close to mineral development - a clear usurpation of the property clause of the Constitution. On Dec. 15, 2000 litigation was filed by the mining industry seeking to enjoin the new rules while BLM reconsiders its flawed economic analysis of the impact of the 3809 revisions on our economy.

#### Millsites to Mining Claims Ratio Issue

Solicitor Lesby quietly issued an opinion in November 1997, concurred in by Secretary Babbitt, which established a novel interpretation of the mining laws granting rights to citizens for the use of public lands for purposes ancillary to "hardrock" mining, such as milling of ores and placement of tailings. This opinion states that a miner may have no more than one five-acre sized millsite per each twenty-acre sized lode mining claim, despite the fact that no previous Secretary or court had reached such conclusion. Modern-day disseminated gold mining operations often require more millsites in order to place waste rock and tailings as well as milling equipment, leach piles and the like. Congress debated the application of the millsite opinion to current operations, choosing to exempt then existing operations, but newly staked claims and older operations seeking permit expansions are inhibited by this unfounded policy. This is another example of the Clinton Administration's cynical use of unilateral edicts to achieve a result unwinnable in Congress - a wholesale revision of the general mining laws.



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Minerals Management ServiceValuation of Oil & Gas for Royalty Purposes

The rules governing the valuation methodology for oil and gas produced on federal onshore and offshore leases, last revised in 1938, have been rewritten in the Clinton Administration to effect a change not endorsed by Congress in the mineral leasing laws. Specifically, MMS insists lessees have a "duty to market" crude oil and gas produced and thusly does not allow a deduction of costs attributable to marketing efforts when the product is sold away from the lease. The industry has won at the district court level on the natural gas valuation but the Administration has appealed. Similar litigation on the new oil valuation rule is pending. We view a royalty-in-kind (R-I-K) program as a means to avoiding such disputes because the federal government would get exactly its share (generally one-eighth for on-shore lease and one-sixth of offshore) in volumes of oil and gas which when aggregated would give it significant market power. Federal royalty gas is already used in a pilot program to heat certain federal buildings and could be expanded further to provide savings to military installations and the like. Federal royalty oil was used to begin to "top off" the strategic petroleum reserve when prices were low in 1999 but has been suspended since.

U.S. Fish & Wildlife Service (FWS)FWS Wildlife Refuge System:

On October 17, 2000, the FWS issued a draft policy on maintaining the "ecological integrity of the National Wildlife Refuge System". The public comment period on this policy closed on December 15<sup>th</sup> and the Service is intent on promulgating this policy prior to January 20, 2001. This policy is being written in response to the enactment of the National Wildlife Refuge System Improvement Act (P. L. 105-57). However, the policy is fatally flawed and must not be implemented. Among other problems, this policy would create a new term "ecological integrity" that has no basis in law. Nor did this term appear in the statute, committee reports or floor debate. Furthermore, the FWS uses, without the benefit of supporting scientific data, the time frame 800 AD to 1800 AD as a baseline for future refuge systems and places its overriding emphasis on "restoring" the "natural conditions" of the system to the detriment of all other uses. The FWS has arbitrarily chosen 4 of the 14 directives on how the Secretary of the Interior shall administer the system. Lastly, and importantly, this policy extends the jurisdiction of an individual refuge manager outside of the boundaries of the unit and it tells private landowners that if they are unable to work cooperatively with the Service then they should seek legal remedies. This policy is strongly opposed by the leadership of both the House Resources and the Senate Environment and Public Works Committees, the International Association of Fish and Wildlife Agencies, the Wildlife Legislative Fund of America, the Wildlife Management Institute and many other conservation groups.



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Marine Protected Areas (MPA):

On May 26, 2000, President Clinton issued an Executive Order requiring the Departments of the Interior and Commerce in consultation with the Departments of the Defense, State, Transportation, and other agencies to develop a national system of Marine Protected Areas. The Executive Order also lists a number of broad items for assessment to be conducted prior to the development of this national system.

On December 4, 2000, President Clinton designated the first of these Marine Protected Areas. This 84,000 square mile designation is the second largest marine reserve in the world. The designation has been hurried through during the waning days of the Administration and public comment on the proposal has been short circuited (the notice for the public meetings was published in the Federal Register on December 8, 2000 for meetings to be held on December 11th, 12th, 13th, 14th, and 15th. This is very little notice during the holiday season for people to comment on such a sweeping designation.

While MPAs can certainly be a useful tool in setting aside productive or fragile habitat, it must be done in a scientifically-defensible manner and in a way that can be monitored and enforced and the reasons for designation as well as the goals of the designation must be clear. The Committee on Resources is concerned about these broad executive designations for a number of reasons: no criteria has been established for the creation of these Marine Protected Areas; no goals or purposes of this system of MPAs has been identified; no research has been identified to determine whether the goals of the MPA are being achieved; it is unclear what authority has been used to designate these MPAs; it is unclear whether public participation will be allowed; and it is unclear whether these designations and the goals of the MPA can be enforced. It appears that this Administration is using this questionable executive authority to circumvent the existing procedures established under the Magnuson-Stevens Fishery Conservation and Management Act and the National Marine Sanctuaries Act.

U.S. Forest Service (FS)Forest Service Roadless Areas

One of the most egregious abuses by the Clinton Administration of its legal authority through ruling is the new Forest Service roadless area policy. The practical effect of implementing this unreasonable policy is tantamount to designating approximately 60 million acres of wilderness through administrative fiat, thereby circumventing the Wilderness Act of 1964. The Forest Service released its Final Environmental Impact Statement for roadless areas on November 17, 2000, and the agency expects to issue the Record of Decision on roadless areas soon after December 17, 2000. This policy, developed without the benefit of sound scientific support, will highly restrict public and agency access to approximately 60 million acres of national forest land.



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or one-third of the National Forest System. When combined with lands already designated as wilderness (nearly 35 million acres), access for recreation and forest protection will be prohibited on fully one-half of all National Forest System lands.

#### National Forest System Road Management and Transportation System Policy

A proposed rulemaking and administrative policy on National Forest road management and transportation was published March 3, 2000, with a final policy due in early September. Closely tied to the roadless area rule, an Administration-imposed 18-month moratorium on road building in roadless areas was due to expire in August 2000 or upon completion of the transportation policy, whichever was sooner. The moratorium remains in place despite the Administration's failure to complete the transportation policy. The final transportation policy is expected to further limit access to national forest lands.

#### Land and Resource Management Planning Rule

The Forest Service published its final rule revising the procedures for land and resource management planning on November 9, 2000. Highly criticized by the public and agency professionals and scientists alike, the rule is likely to result in extensive litigation over every future agency planning decision. Containing standards that will be extremely difficult, if not impossible, to meet, the rule will increase the complexity, cost, and time needed for making future forest plan decisions.

#### Regional Planning Decisions with National Implications

The Forest Service is on the verge of completing several regional planning efforts, including a "survey and manage" requirement amending the President's Northwest Forest Plan; the broad-scale Interior Columbia Basin Ecosystem Management Project (ICBEMP); and the Sierra Nevada Framework for Conservation and Collaboration. The Survey and Manage final EIS was released in late November and a record of decision is expected on January 5, 2001. The ICBEMP final EIS and proposed decision were released in early December, with a record of decision expected in mid-January, 2001. The Sierra Nevada Framework final EIS and decision are expected in mid-January, 2001. Each of these three documents will alter management on millions of acres of national forest land and amend, without full disclosure of the effects, multiple national forest management plans. The ICBEMP and Survey and Manage decisions will also alter Bureau of Land Management resource management plans. Highly complex, controversial and costly, while providing questionable benefits, these decisions are being rushed for completion just before the change in Administration.

Without question, the rules, regulations, and policy decisions described above are an important part of issues that need immediate review and reevaluation. However, they do not represent all of these need to be addressed. It is important to note that many of these, maybe most, are being "fast tracked" by this Administration as they are targeting their final promulgation before



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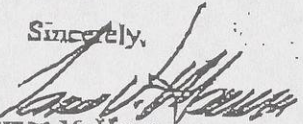
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January 20, 2001. Any assistance the new Administration can provide in stopping or slowing the implementation of these initiatives would be greatly appreciated by many Members of Congress, states and citizens. Thank you for your prompt attention to these very important issues.

In closing, please again accept my enthusiastic congratulations to you both. I along with the other Members on the Committee on Resources, look forward to working with you and your new Administration. If you have any questions please do not hesitate to contact me.

Sincerely,



James V. Hansen  
Member of Congress



THE WHITE HOUSE  
WASHINGTON

January 20, 2001

MEMORANDUM FOR THE HEADS AND ACTING HEADS OF EXECUTIVE  
DEPARTMENTS AND AGENCIES

FROM:

ANDREW H. CARD, JR. *Andrew H. Card, Jr.*  
Assistant to the President  
and Chief of Staff

SUBJECT:

Regulatory Review Plan

The President has asked me to communicate to each of you his plan for managing the Federal regulatory process at the outset of his Administration. In order to ensure that the President's appointees have the opportunity to review any new or pending regulations, I ask on behalf of the President that you immediately take the following steps:

1. Subject to any exceptions the Director or Acting Director of the Office of Management and Budget (the "OMB Director") allows for emergency or other urgent situations relating to health and safety, send no proposed or final regulation to the Office of the Federal Register (the "OFR") unless and until a department or agency head appointed by the President after noon on January 20, 2001, reviews and approves the regulatory action. The department or agency head may delegate this power of review and approval to any other person so appointed by the President, consistent with applicable law.
2. With respect to regulations that have been sent to the OFR but not published in the Federal Register, withdraw them from OFR for review and approval as described in paragraph 1, subject to exception as described in paragraph 1. This withdrawal must be conducted consistent with the OFR procedures.
3. With respect to regulations that have been published in the OFR but have not taken effect, temporarily postpone the effective date of the regulations for 60 days, subject to exception as described in paragraph 1.



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4. Exclude from the requested actions in paragraphs 1-3 any regulations promulgated pursuant to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.
5. Notify the OMB Director promptly of any regulations that, in your view, impact critical health and safety functions of the agency and therefore should be also excluded from the directives in paragraphs 1-3. The Director will review any such notifications and determine whether exception is appropriate under the circumstances.
6. Continue in all instances to comply with Executive Order 12866, pending our review of that order, as well as any other applicable Executive Orders concerning regulatory management.

As used in this memorandum, "regulation" has the meaning set out in section 3(e) of Executive Order 12866. That is, this plan covers "any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking."

This regulatory review will be implemented by the Director or Acting Director of the OMB. Communications regarding exceptions to the review, or questions regarding the review generally, should be addressed to that individual.

Finally, in the interest of sound regulatory practice and the avoidance of costly, burdensome, or unnecessary regulation, independent agencies are encouraged to participate voluntarily in this review.

This memorandum shall be published in the Federal Register.



THE WHITE HOUSE  
WASHINGTON

January 20, 2001

MEMORANDUM FOR THE HEADS AND ACTING HEADS OF  
EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ANDREW H. CARD, JR. *Andrew H. Card, Jr.*  
Assistant to the President  
and Chief of Staff

SUBJECT: Government Hiring Controls

The President has asked me to communicate to each of you his plan for managing the Federal employment process at the outset of his Administration. As you know, during the campaign, the President expressed his desire to make Government more responsive to the needs of citizens, more efficient, and more accountable. The President articulated his view of an effective Federal Government -- one that is citizen-centered, results-oriented, and characterized by quality of service. To help meet these important goals, the President proposed, among other things, to flatten the Federal hierarchy by redistributing positions and resources from high-level managerial positions to front-line, service delivery jobs.

In order to ensure that, from the start of this Administration, the President's appointees have the opportunity to make personnel decisions consistent with his goals for Government reform, he asks that you institute the following hiring control procedures:

1. Effective immediately, no decision relating to hiring shall be made unless and until such decision is reviewed and approved by a department or agency head appointed by the President after noon on January 20, 2001. The department or agency head may delegate this power of review and approval consistent with applicable law. These procedures are subject to such exceptions as the Director or Acting Director of the Office of Management and Budget (the "OMB") may grant as necessary to ensure the operation of essential Government functions, such as those affecting safety, health, or national security, and the provision of essential Government services, such as the delivery of social security or veterans benefits.



2. For the longer term, every agency head will be instructed to develop a plan to permit the agency to meet the President's goal of reducing management ranks. This plan will be developed in cooperation with the Director or Acting Director of OMB.
3. The actions described in paragraph 1 should be taken in accordance with law, including, but not limited to, statutes setting minimum hiring levels and appropriating funding for such hiring.
4. The use of contracts with nongovernmental entities or persons as a means of avoiding the procedures described in paragraph 1 is not an acceptable practice.
5. The actions described in paragraph 1 do not apply to appointments made with the approval of the Assistant to the President for Presidential Personnel and Deputy to the Chief of Staff.
6. All independent agencies are encouraged to adopt the foregoing hiring controls.
7. The Director or Acting Director of OMB will issue any necessary specifics regarding the procedures described in paragraph 1.

I appreciate your cooperation. Together, with prompt and diligent implementation of this memorandum, we can begin to work toward the President's goal of ensuring that his Administration serves the American public in the most efficient and responsible manner possible.



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THE WHITE HOUSE  
WASHINGTON

January 20, 2001

MEMORANDUM FOR THE HEADS AND ACTING HEADS OF EXECUTIVE  
DEPARTMENTS AND AGENCIES

FROM:

ANDREW H. CARD, JR. *Andrew H. Card, Jr.*  
Assistant to the President  
and Chief of Staff

SUBJECT:

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2. With respect to regulations that have been sent to the OFR but not published in the Federal Register, withdraw them from OFR for review and approval as described in paragraph 1, subject to exception as described in paragraph 1. This withdrawal must be conducted consistent with the OFR procedures.
3. With respect to regulations that have been published in the OFR but have not taken effect, temporarily postpone the effective date of the regulations for 60 days, subject to exception as described in paragraph 1.

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4. Exclude from the requested actions in paragraphs 1-3 any regulations promulgated pursuant to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.
5. Notify the OMB Director promptly of any regulations that, in your view, impact critical health and safety functions of the agency and therefore should be also excluded from the directives in paragraphs 1-3. The Director will review any such notifications and determine whether exception is appropriate under the circumstances.
6. Continue in all instances to comply with Executive Order 12866, pending our review of that order, as well as any other applicable Executive Orders concerning regulatory management.

As used in this memorandum, "regulation" has the meaning set out in section 3(c) of Executive Order 12866. That is, this plan covers "any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking."

This regulatory review will be implemented by the Director or Acting Director of the OMB. Communications regarding exceptions to the review, or questions regarding the review generally, should be addressed to that individual.

Finally, in the interest of sound regulatory practice and the avoidance of costly, burdensome, or unnecessary regulation, independent agencies are encouraged to participate voluntarily in this review.

This memorandum shall be published in the Federal Register.



Agency	Category	Pub Date	File Date	CFR	Title	FR Doc #
FEMA		--	--	44-7	Nondiscrimination on the basis	01-01943
FERC		--	--	-		99-09644
FERC		--	--	-	Applications, hearings, determi	99-09915
FERC		--	--	-	Applications, hearings, determi	99-09914
FERC		--	--	-	Applications, hearings, determi	99-09913
FERC	N	--	--	-	Applications, hearings, determi	C9-14118
FERC	N	--	--	-	Applications, hearings, determi	C9-14120
FERC	R	--	--	18-381	Filing fees:	C9-21280
FERC	N	--	--	-	Hydroelectric applicallons	C0-04588
FERC		--	--	-		00-18372
FERC		--	--	-		00-18371
FERC		--	--	-		00-18370
FERC		--	--	-		00-20209
FERC	N	--	--	-	Applications, hearings, determi	C1-01141
FHA		--	--	-	Agency information collection a	01-02200
FHA		--	--	-	Agency information collection a	01-02201
FHFB		--	--	12-915, 917, ETC.	Federal home loan bank syste	01-01253
FMC		--	--	-	Air pollution; standards of perfo	98-24107
FMC		--	--	-	Freight forwarder licenses:	01-02192
FMC		--	--	-	Freight forwarder licenses:	01-02191
FMC		--	--	-	Agreements filed	01-02190
FMCSA		--	--	49-382	Motor carrier safety standards:	01-01500
FMCSA		--	--	49-382	Transportation workplace drug	01-01495
FOREST		--	--	-	Boundary establishment, descri	00-29027
FOREST		--	--	36-242	Meetings:	01-01955
FOREST	P	--	--	36-242	Alaska National Interests Land	01-01954
FOREST	R	--	--	36-242	Alaska National Interest Lands	01-01953
FRA		--	--	-	Exemption petitions, etc.:	99-18355
FRA		--	--	49-219	Alcohol and drug use control	01-01499
FRA		--	--	49-219	Transportation workplace drug	01-01495
FRA		--	--	49-241	Rail operations dispatching; U.	01-01861
FRA		--	--	49-213	Track safety standards:	01-01973
FRS		--	--	12-288	Practice and procedure:	01-01073



1/23 Staff mtg.

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In the coming year, I will be focusing on several issues and I want each of you to pay special attention to them as well. Each of these will obviously require coordination with the new Administration. These issues include implementation of:

- First, the fire strategy, especially the restoration component of the strategy;
- Second, the roads rule; and
- Third, the county payments legislation, particularly creation of balanced citizen advisory councils and implementation of stewardship, restoration, and maintenance projects.

Fourth, I want to ensure that we fulfill our commitment to hire 100 new wilderness rangers and 100 newly created wilderness steward positions. Jim and Hilda, obviously funding for this will need to come through OMB, however, I want to ensure that we are prepared to finance these positions from existing funding, if necessary.

FIA  
Fifth, Hilda, Robert, and Jim, we need to ramp up our effort to revise and strengthen the 1989 policy statement. I think this should be accomplished through manual direction to implement the new planning rule. I want to make certain that we have our best people working on this issue. The team should be interdisciplinary in nature -- do not simply assign it to the forest management staff.

Sixth, we must strengthen our commitment to civil rights and to improving agency accountability. I expect a clean financial audit by the end of this year. Phil and Vincette, tell me what you need to accomplish this and I will see that you receive the necessary resources. I am certain that the incoming Administration will share my concern about civil rights and accountability, especially.

The three issues that have most bedeviled the Forest Service over the past few decades are roads, roadless areas, and old growth.

- Public  
RD mgmt.  
agency
- The road's rule will help to resolve the fight over new roads by ensuring that road management decisions concerning recreation and management are made in an open and public forum at the local level, and guided by sound access, environmental and fiscal considerations.
  - The roadless rule will help us to move beyond the divisive debates over roadless areas and ensure these areas are protected for the use and benefit of present and future generations.
  - Making clear our commitment to using sound science and management to protect the remaining old growth forests on National Forests is essential.

Each of these efforts will require close coordination with the NFS staff, Research, and State and Private Forestry.



In the coming months, I intend to spend a fair amount of time in the field carrying forward this message. George, I want you to set up some trips to visit some of the fire restoration projects that we will be implementing this spring or winter. I want you to make certain that they are:

1. Not controversial and are broadly supported by the local community, enviro's and industry.
2. Informed by the best available scientific information and
3. Employ a monitoring component to help us understand what works, what doesn't, and why.

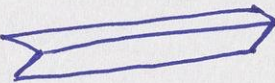
If we are effective in resolving these three most contentious issues, in my view, we will never be better positioned to make a case to the American people of the need for active management to improve habitat, protect communities and make our forests and grasslands healthier. In the process, we can provide healthier lands, more jobs, and yes, I'd say more wood fiber as a byproduct of restoration than we are today.

Measure-able performance

Set a goal for \$ of FTE's to the field

Situation will remain fluid

Workforce Plan Model

Vacation 



*MD's files*

## DISCUSSION ITEMS

January 23, 2001

Accountability & Financial Management *need strong support from Sec. & Hill*

Civil Rights *FS needs continued pressure, high priority for the Sec.*

Fire Management & Forest Health, *lot of positives here, must keep FS in the lead*

### Operational Issues

Chief's Schedule *a.l., 1/25-2/4, fire mgmt tour to review progress*

Personnel *asked for review and approval of Fire Director, R-10, R-4, & PSW  
May be 2 wks before Sec. will consider, needs to get her staff 1<sup>ST</sup>.*

Hiring Fire Fighters *must not pause in hiring*

Staff Support *I offered any support staff needed*

*Dave, mildly concerned that Anti-deficiency from fire season be worked carefully with  
Approps. Comm. to keep it positive.*

*Agreed to brief following re fire mgmt progress; ID, MT, SD, NM.*

*Dave asked about point of contact for NRE & USDA. Phil & Hilda.  
He stressed the importance and value of the career employees as a climate this Admin.  
believes is very important. They want to proceed w/ humility.*





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

**TO:** Acting Deputy Under and Assistant Secretaries  
Agency Heads and Acting Agency Heads  
Staff Office Directors

**FROM:** Ann M. Veneman  
Secretary

**January 24, 2001**

**SUBJECT:** White House Memorandum on Government Hiring Controls

The Assistant to the President and Chief of Staff, Andrew H. Card, Jr., has issued guidance for the Administration on personnel hiring activities. In part, the memorandum reads "... no decision relating to hiring shall be made unless and until such decision is reviewed and approved by a Department or Agency Head appointed by the President. ... The Department or Agency Head may delegate this power of review and approval consistent with applicable law." As such, I am delegating this review and approval to the following officials:

--	Mack Gray	NRCS and RD
--	John Hogan	Food Safety
--	Dawn Riley	FNCS and REE
--	Hunt Shipman	FFAS and MRP
--	Dave Tenny	Forest Service
--	Donna Beecher	All other agencies and offices

These delegations may be redelegated for non-supervisory positions at the GS-12 level and below.

In addition, the White House memorandum directs the Department to develop a plan to permit the Department to meet the President's goal of reducing management ranks. To fulfill this requirement, I am asking the Director of the Office of Human Resources Management (OHRM) to develop a draft plan for my review by February 5, 2001. For the short term, and until we have our plan in place, any proposed hiring of GS-13 and above positions, or supervisory positions at any level, will require a detailed justification and approval by my office. OHRM will develop and provide a format for the needed justification within the next couple of days. Questions concerning the need for the position, why organizational units can not be consolidated, and employee to supervisory ratios will need to be addressed.



I appreciate your cooperation. A copy of the White House memorandum is attached for your records.

Attachment



THE WHITE HOUSE  
WASHINGTON

January 20, 2001

MEMORANDUM FOR THE HEADS AND ACTING HEADS OF  
EXECUTIVE DEPARTMENTS AND AGENCIES

FROM:

ANDREW H. CARD, JR. *Andrew H. Card, Jr.*  
Assistant to the President  
and Chief of Staff

SUBJECT:

Government Hiring Controls

The President has asked me to communicate to each of you his plan for managing the Federal employment process at the outset of his Administration. As you know, during the campaign, the President expressed his desire to make Government more responsive to the needs of citizens, more efficient, and more accountable. The President articulated his view of an effective Federal Government -- one that is citizen-centered, results-oriented, and characterized by quality of service. To help meet these important goals, the President proposed, among other things, to flatten the Federal hierarchy by redistributing positions and resources from high-level managerial positions to front-line, service delivery jobs.

In order to ensure that, from the start of this Administration, the President's appointees have the opportunity to make personnel decisions consistent with his goals for Government reform, he asks that you institute the following hiring control procedures:

1. Effective immediately, no decision relating to hiring shall be made unless and until such decision is reviewed and approved by a department or agency head appointed by the President after noon on January 20, 2001. The department or agency head may delegate this power of review and approval consistent with applicable law. These procedures are subject to such exceptions as the Director or Acting Director of the Office of Management and Budget (the "OMB") may grant as necessary to ensure the operation of essential Government functions, such as those affecting safety, health, or national security, and the provision of essential Government services, such as the delivery of social security or veterans benefits.



2

2. For the longer term, every agency head will be instructed to develop a plan to permit the agency to meet the President's goal of reducing management ranks. This plan will be developed in cooperation with the Director or Acting Director of OMB.
3. The actions described in paragraph 1 should be taken in accordance with law, including, but not limited to, statutes setting minimum hiring levels and appropriating funding for such hiring.
4. The use of contracts with nongovernmental entities or persons as a means of avoiding the procedures described in paragraph 1 is not an acceptable practice.
5. The actions described in paragraph 1 do not apply to appointments made with the approval of the Assistant to the President for Presidential Personnel and Deputy to the Chief of Staff.
6. All independent agencies are encouraged to adopt the foregoing hiring controls.
7. The Director or Acting Director of OMB will issue any necessary specifics regarding the procedures described in paragraph 1.

I appreciate your cooperation. Together, with prompt and diligent implementation of this memorandum, we can begin to work toward the President's goal of ensuring that his Administration serves the American public in the most efficient and responsible manner possible.





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

## MEMORANDUM

**TO:** Acting Deputy Under and Assistant Secretaries  
Agency Heads and Acting Agency Heads  
Agency Regulatory Officials  
Staff Office Directors

**FROM:** Ann M. Veneman  
Secretary

January 24, 2001

**SUBJECT:** Regulatory Procedures

As you know, the Chief of Staff to the President has issued a memorandum designed to insure that the President's appointees have an opportunity to review any new or pending regulations. The purpose of this memorandum is to provide you with my instructions concerning the implementation of this Directive. If we work as a team on this matter, I believe we can provide the opportunity for necessary review while we continue to move forward with the essential business of the Government.

I have asked the Office of Budget and Program Analysis (OBPA) to provide Departmental-level staff support for this effort. Please work closely with OBPA and respond quickly to their requests for information. The material specified below should be delivered to Jacky Chandler, Director, Legislative Regulatory and Automated Systems Division, OBPA in Room 147-E of the Whitten Building. No agency personnel should be communicating directly with the Federal Register concerning the disposition of USDA regulations without authorization from OBPA.

As specified in Executive Order 12866 and reiterated in the Chief of Staff's memorandum, this Directive covers "...any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advanced notices of proposed rulemaking, and notices of proposed rulemaking." With respect to these actions, please comply with the following directions:



For regulations which are under development within your agencies, you should continue to follow the procedures in Departmental Regulation 1512-1 to determine whether such regulations are significant, economically significant, or major regulations. Those regulations which are placed in these categories should be handled in accordance with the procedures in Departmental Regulation 1512-1. For regulations which are classified as not significant, and which would have previously been issued by your agencies without further review, your authority to issue these regulations is hereby withdrawn until further notice. Such regulations should be forwarded to OBPA. OBPA will arrange for the necessary review of these regulations and communicate the results back to you as quickly as possible.

For regulations which have been sent to the Federal Register but not yet printed, we have asked OBPA to obtain copies of these regulations for our review. Please comply with these requests on an urgent basis so we can complete our review as quickly as possible, and decide whether or not these regulations should be printed. In the meantime, all pending requests to the Federal Register to print regulations will be withdrawn via a letter drafted by OBPA and signed by me. If and when such regulations are approved for printing, you will be so advised by OBPA. As indicated above, no agency personnel should be communicating with the Federal Register on these matters unless instructed to do so by OBPA.

For regulations which have been published in the Federal Register but which have not yet taken effect, we will be temporarily postponing the effective date of these regulations by 60 days unless an exception is granted for reasons of emergency or other urgent situations relating to health and safety. I have asked OBPA to develop a list of these regulations. Please work with OBPA to assure that the list is correct and that any regulations needing an exception are identified. I have also asked OBPA to prepare the necessary Federal Register documents to implement this temporary delay in effective dates.

As indicated in the Chief of Staff's memorandum, the above procedures are not intended to impact regulations promulgated pursuant to statutory or judicial deadlines. To the extent that you believe you have such regulations, please provide a list to OBPA as quickly as possible so that we can discuss these matters with you and make the necessary communications to the Office of Management and Budget.

We realize that it is necessary from time-to-time to publish, in the Federal Register, documents that do not meet the definition of regulations as specified above. These documents include actions such as environmental impact statements, and internal management directions for the Department. To the extent that you expect to publish such documents in the Federal Register within the next 90 days, please provide a list of such documents to OBPA. We will review the list and let you know whether any further discussion or action is needed on your part before these matters can be published in the Federal Register.



Again, our intention is to provide an adequate opportunity for the new Administration to review these matters while continuing to move forward with the essential business of Government. I sincerely appreciate your help in accomplishing these objectives.

cc: Stephen B. Dewhurst, OBPA





United States  
Department of  
Agriculture

Forest  
Service

Washington Office

14<sup>th</sup> & Independence SW  
P.O. Box 96090  
Washington, DC 20090-6090

File Code:

Date: January 24, 2001

TO: Secretary Ann Veneman

FROM: Chief Mike Dombeck *Mike Dombeck*

SUBJECT: Delegation of Acting Chief

As you know, I will be out of the country on annual leave from January 24 to February 5. To assure continuity and service to you and your staff during this time and future travel, the following will be acting on my behalf:

January	Hilda Diaz-Soltero, Associate Chief for Natural Resources
February	Phil Janik, Chief Operating Officer
March	Hilda Diaz-Soltero
April	Phil Janik
May	Hilda Diaz-Soltero
June	Phil Janik
July	Hilda Diaz-Soltero
August	Phil Janik
September	Hilda Diaz-Soltero
October	Phil Janik
November	Hilda Diaz-Soltero
December	Phil Janik

Cc: Dave Johnson  
Dave Tenny  
Hilda Diaz-Soltero  
Phil Janik







Dave T Bull

01/25/2001 04:43 PM

To: Gene Blankenbaker/VO/USDAFS@FSNOTES, Dave T Bull/VO/USDAFS@FSNOTES, Mary Davis/VO/USDAFS@FSNOTES, Steve Hart/VO/USDAFS@FSNOTES, Buddie Risner/VO/USDAFS@FSNOTES, Chris Rose/VO/USDAFS@FSNOTES, Tom Tidwell/VO/USDAFS@FSNOTES, Steve Ambrose/VO/USDAFS@FSNOTES, Gail Vanderbie/VO/USDAFS@FSNOTES, Tina J Terrell/VO/USDAFS@FSNOTES, Gary Yeck/R8/USDAFS@FSNOTES, Tim Decoster/VO/USDAFS@FSNOTES, pdl wo p&l LA Coordinators, Sue Risbrudt/VO/USDAFS@FSNOTES, Judy Cook/VO/USDAFS@FSNOTES, Thelma Strong/VO/USDAFS@FSNOTES, Stana Federighi/VO/USDAFS@FSNOTES, George Lennon/VO/USDAFS@FSNOTES, Jim Culbert/VO/USDAFS@FSNOTES, Bill Timko/VO/USDAFS@FSNOTES, Richard Fitzgerald/VO/USDAFS@FSNOTES, Larry Gadt/VO/USDAFS@FSNOTES, Ken Johnson/VO/USDAFS@FSNOTES, Jeanne Wade/VO/USDAFS@FSNOTES, Maitland Sharpe/VO/USDAFS@FSNOTES, Linda C Brett/VO/USDAFS@FSNOTES, Jim Franzel/R10/USDAFS@FSNOTES, Chris Wood/VO/USDAFS@FSNOTES, Teresa Ciapusci/VO/USDAFS@FSNOTES, Chris Risbrudt/VO/USDAFS@FSNOTES, Douglas Powell/VO/USDAFS@FSNOTES, Frederick Norbury/R10/USDAFS@FSNOTES, Susan Odell/VO/USDAFS@FSNOTES, lori.monfort@usda.gov

cc:

Subject: Larry Craig's speech to SAF

Here's the text of Senator Larry Craig's speech to the Capital City chapter of SAF at a luncheon today, 1/25/01. I've attached additional notes from the Q&A session at the end of the speech.

--Dave Bull, WO-Legis Affairs, 202-205-1036

Senator Larry Craig  
Luncheon Speech  
Society of American Foresters

Good afternoon.

This is a very exciting time. I feel very lucky to be standing before you today talking about the possibilities of sustainable resource stewardship under President George W. Bush. In a sense, I feel that we are on the verge of advances in resource stewardship unmatched since the time of Teddy Roosevelt. I am extremely excited to have this opportunity to work with a new Administration, a new Congress, and you -- to reach across party lines to accomplish great things on our nations public lands.

I have visited with the President about natural resource issues, and I have served with and known the Vice President for years. This Administration is going to be very different from what we have been used to. The Bush Administration is committed to working closely with Congress, and more importantly, closely with local governments and local people to make responsible natural resource policies that work to conserve and sustain both our lands and our people. It would be presumptuous for me to speak about the exact nature of what they will do on a variety of issues. However, I think I can speak with some confidence about how they will proceed. In the near future, we can expect to see:

1. An Administration that consults with -- rather than ignores -- Congress



2. An Administration where resource management decisions are most often made by resource managers.
3. An Administration that develops its policies through procedures which constructively bring as many people into the process as want to be involved.
4. An Administration that is committed to a transparent decision-making process that uses the best scientific information available.
5. An Administration that develops plans that deliver results on the ground.
6. And finally, an Administration that, most importantly, works closely with local governments and local decision-makers, and one that collaborates closely with those most directly affected by its decisions.

President Bush has pledged to work toward finding common ground and toward bringing people together. And I believe those commitments will guide his approach to natural resources decision-making. But, it is also up to us to do our part, reach across party lines, put aside old grudges, and work to find ways to move forward.

We made some excellent progress toward this end in the past Congress. I was able to work with Senator Ron Wyden to develop a bill that stabilizes federal lands payments to local schools, and makes new investments in federal land management through newly-created, local advisory committees. Through the latter mechanism, we have recoupled local communities of interest with the federal lands in a way that I believe will build much-needed local support for the decisions of federal land managers.

In a similar vein, I was also able to work with Senator Domenici, and Senators Bingaman and Feinstein to produce legislation that addresses the pressing need to reduce fuel loads in the wildland/urban interface. The bill also involves the states and local community leaders in the process of identifying and treating high risk areas. This greater emphasis on involving local officials will build support for fuel reduction activities which have unfortunately too often been the subject of appeals and legal challenges in the past.

With a new Administration more disposed to these kinds of efforts, I hope we can move forward to aggressively implement the work of the last Congress, and entertain some new initiatives to empower resource management professionals and local communities of interest to work with us in the cause of sustainable resource stewardship.

George W. Bush has long called himself a "compassionate conservative." Last week, at her confirmation hearing before our Committee, Gail Norton embraced this philosophy, and added that she is also a "passionate conservationist." Similar thoughts were also expressed by the two other members of the Administration's natural resources triumvirate -- Ann Venneman and Christine Todd Whitman -- at their own confirmation hearings. This is a philosophy that I think we can all embrace as we move forward together during this time of great opportunity.

I look forward to working with all of you this year, and I would be happy to take your questions.

-----  
Sen. Craig did not necessarily stick to the above text. Other comments I wrote down included:

- \* I'm not an advocate of stepping back but of stepping forward.
- \* 1 or 2 or more persons in this room will likely be in major policy positions in natural resources in this administration.
- \* This is an administration that won't find Congress a nuisance.
- \* The Vice President will not be calling a District Ranger to tell him to cancel a timber sale.
- \* An administration that is committed to delivering results on the ground and defending those decisions.
- \* Continue to improve forest health and wildlife habitat and even cut a tree.
- \* An administration that is not close minded but will enhance our resources to extend their life well



beyond the next generation.

\* A uniqueness going on - the top two resource managers in the country are women. Women communicate differently. These women at their confirmation hearings communicated clearly and directly.

In response to questions, I noted the following comments:

We are looking at the regulations now. The roadless decision has to be revisited. We may go through another rule-making. We cannot get there with one monolithic rule. It will fall to scrutiny. It will likely be settled in the Courts. The RARE II argument could work to bring it down. We need to convince the American people that there is a right time and a right place to cut a tree.

We are ready to go to with my revision of NFMA. Had over 100 hearings. Have the ear of the Administration.

We have turned the FS upside down and shook it the last couple of years. Despite that we have found lots of dedicated people in the process. Quincy is an example of how we can work together at the local level. We need to try more pilot projects to discover how to get things done. The FS did not allow pilot projects to continue. You will see an acceleration of stewardship pilots in this Administration. The States will not stand for it if they see the FS and administration standing by and letting millions of acres burn and then say it's a good thing. We need an effort to create collaboration between the States and the Feds. You won't see Federal land turned over to the States but you will see the Feds asking the State what the impacts of their decisions will be on adjacent land and economic health.

We don't want the EPA dictating land management activities in Idaho. We need the regulatory agencies involved early. We need to wring the politics out of the decisions.

There is a very real disconnect between urban and rural America. We need to educate the urban masses. Killing trees is a ridiculous statement. Idaho feared Al Gore. They felt he wanted to shut down the state and make it a museum piece for the rest of the world to look at. Despite the economic boom, rural communities in Idaho still have 12-14% unemployment. This is tied to resource policies.





Marian Connolly

01/25/2001 06:17 PM

To: Joseph Carbone/VO/USDAFS@FSNOTES, Chris  
Risbrudt/VO/USDAFS@FSNOTES, Marianne  
Frazier/R2/USDAFS@FSNOTES, Mary  
Gash/R2/USDAFS@FSNOTES, Thomas E  
Jirgensohn/R3/USDAFS@FSNOTES, David E  
Sire/R3/USDAFS@FSNOTES, Andy Godfrey/R4/USDAFS@FSNOTES,  
Don Murphy/R4/USDAFS@FSNOTES, Sue  
Danner/R5/USDAFS@FSNOTES, Richard E  
Carkin/R6/USDAFS@FSNOTES, Philip J  
Mattson/R6/USDAFS@FSNOTES, Elaine  
Cloward/R8/USDAFS@FSNOTES, David  
Purser/R8/USDAFS@FSNOTES, Dain  
Maddox/R9/USDAFS@FSNOTES, Samuel  
Emmons/R9/USDAFS@FSNOTES, Teddy  
Castillo/R10/USDAFS@FSNOTES, Karen  
Snyder/R10/USDAFS@FSNOTES

cc: Andy Godfrey/R4/USDAFS@FSNOTES, Betsy  
Rickards/R10/USDAFS@FSNOTES, Cherie  
Shelley/R10/USDAFS@FSNOTES, Chris  
Holmes/VO/USDAFS@FSNOTES, Dain  
Maddox/R9/USDAFS@FSNOTES, David E  
Sire/R3/USDAFS@FSNOTES, David Purser/R8/USDAFS@FSNOTES,  
Diana Menapace/R2/USDAFS@FSNOTES, Don  
Murphy/R4/USDAFS@FSNOTES, Earl  
Sutton/R1/USDAFS@FSNOTES, Elaine  
Cloward/R8/USDAFS@FSNOTES, Geneen  
Granger/R3/USDAFS@FSNOTES, Jerome E  
Perez/R9/USDAFS@FSNOTES, Jody H  
Sutton/VO/USDAFS@FSNOTES, Joseph  
Carbone/VO/USDAFS@FSNOTES, Joy  
Berg/VO/USDAFS@FSNOTES, Kelly J Fike/R5/USDAFS@FSNOTES,  
Mike Redmond/R6/USDAFS@FSNOTES, Norman  
Heintz/R8/USDAFS@FSNOTES, Paul  
Momper/R2/USDAFS@FSNOTES, Philip J  
Mattson/R6/USDAFS@FSNOTES, Rhey  
Solomon/VO/USDAFS@FSNOTES, Richard  
Andrews/R5/USDAFS@FSNOTES, Richard E  
Carkin/R6/USDAFS@FSNOTES, Sharon  
Metzler/R9/USDAFS@FSNOTES, Susan  
Charnley/VO/USDAFS@FSNOTES, Hilda  
Diaz-Soltero/VO/USDAFS@FSNOTES, pdl wo chief management  
committee@FSNOTES

Subject: Re: Transition--Submitting Federal Register documents--STOP THE  
PRESSES!--oops, here's the attachment.

**We have new, more restrictive instructions on Federal Register documents than outlined in my note to you yesterday.** By letter of January 24, received today (01/25), Secretary Veneman has rescinded the authority of agency heads or other agency officials to publish Federal Register notices for the next 90 days. Here is the text of that paragraph from the letter with bracketed notes by me:



"We realize that it is necessary from time-to-time to publish, in the Federal Register, documents that do not meet the definition of regulations as specified above [note-this means as defined in E.O. 12866 on Federal Regulations --issued by Clinton and still in effect at this time]. These documents include actions such as environmental impact statements, [sic] and internal management directions [sic] for the Department. To the extent that you expect to publish such documents in the Federal Register within the next 90 days, please provide a list of such documents to OBPA. We will review the list and let you know whether any further discussion or action is needed on your part before these matters can be published in the Federal Register."

**Therefore, the instructions I sent out yesterday asking that you notify me when you send documents to the Register are no longer appropriate.**

**Your Regional Forester, Supervisor, Research Station, Area, and Institute Director, along with the Chief and Associate and Deputy Chiefs here in WO are prohibited from sending forward to the Register any notice that is not on a list provided to and reviewed and endorsed by the Secretary .**

While I am not sure what the actual deadline will be for sending in your lists, I thought it best to give you informal notice and to go ahead and provide you with a table that we have prepared for this purpose. Each Region, Research Station, Area, and the Institute will need to consolidate the list of notices that they anticipate needing to publish within the next 90 days. Please email the tables to me under cover of a transmittal signed by your Line Official (RF or D). It is important that your line officials participate in reviewing the list. If we err, I think we should err on the side of listing more, not less projects.

While this requirement has the potential to delay initiation of work in the field, we are hopeful that after becoming familiar with the scope and nature of our NEPA based planning and other activities that give rise to Federal Register Notices, the Secretary will restore the authority to the agency to issue its notices without WO review. I know from past transition experiences that if we provide timely, comprehensive, and accurate information to the Office of the Secretary, we should be able to give confidence in the agency and its personnel.

EMC and Directives & Regulations will need to meet tomorrow and work out operational aspects of answering questions, but I think this message gives the field enough info to start developing their lists.

I am hoping that your quarterly schedules of planned actions will help produce these lists.

**In the meantime, the Secretary's office continues to review every usda notice document received at the Register and to call my office to try to determine whether they want to allow the notice to be printed or to withdraw it. Therefore, the request I made yesterday to send me any notices already sent to the Register along with the information identified still stands.**

Today, because we could not identify a field notice quickly enough, the department withdrew a notice **cancelling** an NOI to amend a forest plan. If we had had the info and the contact--which is no one's fault by the way--I believe the Department would have allowed the notice to be published. Now if we want to cancel the NOI, the Region must re-prepare the document and list it on the list i'm attaching, get OSEC concurrence, before the Region can send the document forward.

Have patience with us folks.



\*\*\*\*\*  
MARIAN P. CONNOLLY  
Branch Chief, Directives & Regulations  
IRM Staff, Forest Service, USDA  
OFFICE: 703.605-4533; FAX: 703.605.5111  
mconnolly@fs.fed.us  
\*\*\*\*\*

Joseph Carbone



**Joseph Carbone**

01/24/2001 03:02 PM

To: Andy Godfrey/R4/USDAFS@FSNOTES, David E  
Sire/R3/USDAFS@FSNOTES, David Purser/R8/USDAFS@FSNOTES,  
Diana Menapace/R2/USDAFS@FSNOTES, Don  
Murphy/R4/USDAFS@FSNOTES, Earl  
Sutton/R1/USDAFS@FSNOTES, Elaine  
Cloward/R8/USDAFS@FSNOTES, Geneen  
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Shelley/R10/USDAFS@FSNOTES, Mike  
Redmond/R6/USDAFS@FSNOTES, Betsy  
Rickards/R10/USDAFS@FSNOTES, Jerome E  
Perez/R9/USDAFS@FSNOTES

cc: Marian Connolly/WO/USDAFS@FSNOTES

Subject: Transition--Submitting Federal Register documents

See Marian Connolly's note to the Federal Register Coordinators about the need to keep her informed of notices going to the Federal Register. I assume that the Regional Fed. Register Coordinators will be responding. In some cases, you are the coordinator, but this differs by Region. You also may want to give a heads up to your field NEPA coordinators with the appropriate contact for them to get information to the Region.



Joe Carbone  
National Environmental Policy Act Coordinator  
Ecosystem Coordination Staff  
201 14th Street, S.W.  
Sydney Yates Building  
3rd Floor Central  
Washington, DC 20250

Call 202-205-0884 jcarbone@fs.fed.us  
Fax: 202-205-1012

The FS NEPA Web Page has key information for NEPA, Environmental Justice, emergency events, and other topics. Check it out at: <http://www.fs.fed.us/forum/nepa/nepaeaseiss.html>

----- Forwarded by Joseph Carbone/VO/USDAFS on 01/24/01 02:56 PM -----



**Marian Connolly**

01/24/01 01:37 PM

To: Marianne Frazier/R2/USDAFS@FSNOTES, Mary  
Gash/R2/USDAFS@FSNOTES, Thomas E  
Jirgensohn/R3/USDAFS@FSNOTES, David E  
Sire/R3/USDAFS@FSNOTES, Andy Godfrey/R4/USDAFS@FSNOTES,  
Don Murphy/R4/USDAFS@FSNOTES, Sue  
Danner/R5/USDAFS@FSNOTES, Richard E  
Carkin/R6/USDAFS@FSNOTES, Philip J  
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Cloward/R8/USDAFS@FSNOTES, David  
Purser/R8/USDAFS@FSNOTES, Dain  
Maddox/R9/USDAFS@FSNOTES, Samuel  
Emmons/R9/USDAFS@FSNOTES, Teddy  
Castillo/R10/USDAFS@FSNOTES, Karen  
Snyder/R10/USDAFS@FSNOTES  
cc: pdl wo chief deputy chiefs/EAs@FSNOTES, pdl wo chief management  
committee@FSNOTES, Linda C Brett/VO/USDAFS@FSNOTES, Mary  
Davis/VO/USDAFS@FSNOTES, Betty  
Anderson/VO/USDAFS@FSNOTES, Sue  
Super/VO/USDAFS@FSNOTES, Linda  
Beckman/VO/USDAFS@FSNOTES, Alison  
Worrall/VO/USDAFS@FSNOTES, Joseph  
Carbone/VO/USDAFS@FSNOTES, Joan  
Golden/VO/USDAFS@FSNOTES

Subject: Transition--Submitting Federal Register documents

As you are aware, the new Administration is reviewing all proposed and final rules as well as rule-related Federal Register documents and extending the effective dates on final rules that have been published but are not yet in effect.

In addition, the Secretary of Agriculture's transition team is reviewing all other documents that have been submitted to the Office of the Federal Register to determine if they wish to withdraw any of them. This includes routine notices submitted by Forest Service field units such as Notices of Intent to prepare EIS's and notices of upcoming meetings of existing advisory committees .



Field offices have authority to prepare, sign, and submit nonpolicy documents, and, therefore, such notices do not come into the WO for review or processing. While this is an efficient and effective approach normally, we find ourselves lacking the information we need to answer questions from the transition team about these documents. Therefore, I am asking each Region to please send me a list of any notices submitted between January 19 and 24 using the format indicated below. Regions: Please be sure to check with each National Forest, Grassland, or other special unit to ensure that your response is complete. However, if we have already been in contact with you about a document pending at the Register, you do not have repeat that information. R&D, NA/IITE: Please provide me the same information if you have sent any notices to the Register during this time period.

Beginning tomorrow, January 25, until we are advised that this review of documents is over, please also notify me by email (Marian Connolly/WO/USDA/FS) or fax: 703-605-5111 of any notice that the Region or any of its subunits are sending to the Register along with the first 2 or 3 pages of the notice document. (We only need the pages that contain the following information/data elements: document headings, SUMMARY: DATES:ADDRESSES: FOR FURTHER INFORMATION, and CONTACT: portions of the document; not the Supplementary Information section). It is critical that this information be gathered and transmitted by the Region, not directly from the Forests or other special units.

#### **Information Needed on Previously Submitted Documents:**

**Please provide ASAP but no later than Friday, January 26, 9:00 a.m., the following information in the same sequence as listed:**

1. **Title:** *Exact title* of the document as listed in the heading on page 1 of the notice document (This is critical for any discussions with the Office of the Secretary or of the Federal Register.)
2. **Dates:**
  - a. Date submitted (mailed)
  - b. Requested Publication date (if any);
  - c. Scheduled Publication date (if the Office of the Federal Register has scheduled)
3. **Contact Person:** Name and telephone number of the person we can contact if there are questions in the office of the secretary about the notice
4. **Effects of delay or withdrawal:** Identify adverse consequences if the publication of the notice is delayed. Indicate if the proposed action or subject of the notice is an agency high priority. Indicate whether the action is court ordered or required by statute or regulation)

#### **Information Needed on Documents Submitted Beginning January 24**

Same as above, however, in addition, please e-mail or fax the first two pages of document you submitted.

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MARIAN P. CONNOLLY  
Branch Chief, Directives & Regulations  
IRM Staff, Forest Service, USDA  
OFFICE: 703.605-4533; FAX: 703.605.5111  
mconnolly@fs.fed.us

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## LIST OF FEDERAL REGISTER NOTICES EXPECTED TO BE READY FOR PUBLICATION

**January 24, 2001 to March 24, 2001**

**SUBMITTED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

Preparer's Name

Position/Title

Region, Station, Area

<b>Document Type<sup>1</sup></b>	<b>Document Title/Subject<sup>2</sup></b>	<b>Unit<sup>3</sup></b>	<b>Dates<sup>4</sup></b>	<b>Contact Person<sup>5</sup></b>	<b>Effects of Delay or Other Info<sup>6</sup></b>

<sup>1</sup> Document Type – Meeting Notice, NOI, or Other (please specify such as Cancellation of NOI, Supplement to NOI, etc.).

<sup>2</sup> Document Title/Subject – Be specific. Do not say, "Amendment to xxxx LRMP," also describe subject/nature of amendment, i.e. habitat guidelines for X."

<sup>3</sup> Unit – RO, Forest, Station, Area, or Other that will prepare and submit the document. If a Forest normally prepares an NOI then list the Forest in this column. If the document is to be a joint notice with another federal agency, it is essential to note this and list the department/agency, i.e. USDI/F&WS or USDA/APHIS.

<sup>4</sup> Dates – Desired date of publication. List documents in sequential order by month beginning with January.

<sup>5</sup> Contact Person – Full name and phone number of key contact and a back-up person/alternate.

<sup>6</sup> Effects of Delay or Other Information- Identify any adverse consequences if the publication is delayed. Note if highly controversial. Attach separate sheet if necessary to address the content of the notice.



**CSRS****Discontinued Service Retirement  
Chapter 44**

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**Section 44A2.1-10 Condition: Resignation Requested**

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- A. Rule: New Administration** A resignation is qualifying for discontinued service retirement if an employee submits his or her resignation in response to a written request from a recognized representative of a new incoming Administration. The representative must have the authority to request the employee's resignation and the resignation must be requested specifically from that employee.
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- B. Rule: New Agency Head** A resignation is qualifying for discontinued service retirement if an employee submits his or her resignation in response to a written request from a newly appointed agency head.
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- C. Rule: Schedule C and Noncareer SES** > Schedule C and noncareer SES employees serve at the pleasure of the agency and can be asked to resign at any time. A resignation is qualifying for discontinued service if an employee submits his or her resignation in response to a written request. The separation is not qualifying for DSR if it is for personal cause. <
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- D. Rule: Resignation in Anticipation of Request** A resignation is not qualifying for discontinued service retirement if an employee submits a resignation:
- Based on the belief or possibility that his or her resignation will be requested; or
  - Based solely on personal conviction or choice.
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- E. Copy Required** A copy of the request for resignation must accompany the retirement application.

**NOTE:** File the original on the right side of the OPF/MRPF.

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