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Phil Janik

Neil Hagadorn

Rai Behnert

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NFMA in Relation to Stewardship, Science, Community and Culture:

Some Points of View from the Alaka Region

Phil Janik, Regional Forester

Neil Hagadorn, Assistant Director, Public Outreach

Rai Behnert, Planner, Ecosystem Planning and Budget

Introduction: The Alaska Region of the Forest Service prepared an exhibit for the 7th American Forestry Congress which identified four principle areas of responsibility for the Forest Service in its role as a land management agency. The areas identified are Stewardship (including the sustainable delivery of goods and services), Science, Community and Culture. We in the Alaska Region believe these areas well identify what the public at large expects of us, and what the Chief has established as a vision for the agency for moving into the 21st Century.

In preparation for this session in Boulder, Colorado, we analyzed how well, in our judgement, the NFMA addresses these four areas of responsibility. We found the Act, or its implementing regulations, addresses some of the areas quite well (e.g., Stewardship), and others not so well (e.g., Culture).

We also wish to share a few highlights from our current and most recent Forest planning process, the Tongass Land Management Plan revision. Our purpose in doing this is to reveal how we in the Alaska Region have tried to address the above four areas in our planning process. While a final decision on the revision is still before us, we can discuss our approach and share some of the lessons we've learned to date.

How Well NFMA Addresses Stewardship, Science, Community and Culture: The following points of view are based on our review of the NFMA, and its current implementing regulations, in relation to the four areas of responsibility. Our review notes are contained in Enclosure A.

Stewardship (and delivery of resources)

In our view, the NFMA's direction for sustained yield, the protection of the various resources, the maintenance of biological diversity, esthetic considerations, environmental and economic impact analysis, among other provisions, considerably expanded the previous statutory basis for good stewardship.

NFMA was holistic in its focus on renewable resources and recognized the partial ability of NFS lands to provide goods and services. Its attention to private, State, and local government and NFS lands is in keeping with current Ecosystem Management (EM) thinking about planning for the National Forests in the context of all land ownerships.

The NFMA reaffirmed the principle of sustained yield previously articulated in the MUSY Act of 1960 and the Organic Act of 1897, and expands its application in directing that forest plans "provide for ... sustained yield" and "coordination" of the resources and uses of the Forests.

NFMA also eliminated the restrictive provisions of the Organic Act, which limited the Forest Service to selling only individually marked "dead, physiologically mature, and large growth" trees (according to the "Monongahela decision" of 1973). It provided the latitude to use a wider array of silvicultural methods to carry out resource management activities.

The biological diversity provision of the NFMA could be considered a fore-runner of Ecosystem Management (EM) thinking. As was stated in the recent Critique of Land Management Planning, "Not only must resource productivity be sustained, but the diversity of plant and animal communities and tree species must also be preserved. This direction in NFMA, in combination with that of the ESA, provides a firm statutory basis for preserving species and ecological diversity on the national forests." (See p.13 of Vol. 2 of the Critique documents.) This EM-focused provision of NFMA did create a tension with other more resource-focused provisions of the Act. What we mean by "tension" relates to a passage also contained in Vol. 2 of the Critique documents which states: "... resource sustainability and maintenance of biological diversity can be accomplished best through an ecological approach - as opposed to a resource approach - to multiple-use, sustained-yield management. The difference between the two approaches is significant. The first is oriented toward the interactions of living things with each other and their environment and toward long-term viability. The latter, by contrast, emphasizes resource allocations, relative value, and scarcity. A resource approach is useful for economic analysis but is conceptually barren for understanding and addressing issues of ecosystem productivity, biological diversity, and sustainability."

While NFMA itself did not address viability, it is strongly related to the diversity provision. The language on viability in the 1982 NFMA regulations @ 36 CFR 219.19 is an example of where the regulations added substantive requirements for Forest Planning to what is contained in the Act. How this requirement is addressed in Forest Planning has proven to be highly controversial in our experience, primarily since it makes "inroads" into prior conceptions of resource availability (especially timber).

Science (integrated into forest management)

NFMA's call for the direct involvement of non-Forest Service scientists in the promulgation of the NFMA regulations may have been precedent-setting in integrating science into forest management. The recent science-management partnerships approaches to regional assessments and Forest Planning could be regarded as extensions of NFMA's call for science involvement.

The language on assessments in the Act can also be regarded as a forerunner of current EM-thinking and Adaptive Management processes.

NFMA emphasizes monitoring in relation to timber management. While the NFMA regulations address monitoring in other respects (see 36 CFR 219.12(k)), this subject deserves much more attention in both the Act and the regs - especially if Adaptive Management is to be a prime means to dealing with changing management situations in the 21st century.

The NFMA does not address analytical modeling directly, but does establish some standards for the modeling, such as the culmination of mean annual increment provision, that is associated with forest planning. The NFMA regulations provide many additional standards and guidelines that influenced analytical modeling.

Community (involvement and assistance)

While NFMA is strong in its requirements for public participation in the planning process, subjects like "Community involvement" and "Communities of interest" are not directly addressed in the Act. There is some recognition of communities of interest in the NFMA regulations (@ 36 CFR 219.6 (e)), however, and NFMA has not been a limitation in addressing these subjects.

While NFMA does not really omit social considerations because of its reference to NEPA requirements, it is not strong in this regard. Additional direction for addressing potential social impacts, with communities of place and interest, and more collaborative ways of planning, could be some other candidate "areas of improvement" for NFMA.

Culture (and its ties to Alaska Natives)

NFMA does not directly address culture, historic sites or traditional ties to public lands. The NFMA regulations do address "Cultural and Historic Resources" (at 36 CFR 219.24). However, the focus of the regulations re: cultural resources is largely on those that were used in the past, not on those still being used in the present. Enduring cultural and traditional ties to NFS lands, as manifested in native subsistence uses and continuing usage of traditional village and ceremonial sites, for example, may be another candidate "area of improvement" for NFMA (especially if such ties are commonly maintained on many National Forests).

Subsistence use of the NFS is also not directly addressed in NFMA. However, NFMA's provisions for the multiple-uses, products and services (especially in relation to wildlife and fish) through planning could be interpreted as also providing for subsistence. NFMA's (and MUSYA's) lack of reference to subsistence could be considered somewhat of a weakness of the Act, especially if subsistence use by rural people and others is quite wide-spread on the National Forests. (The Alaska Lands Act (ANILCA) addresses subsistence, but only for Alaska).

Lastly, NFMA does not directly address Alaskan Natives, but is not limiting in this regard. Under NFMA, Alaska Natives could be considered as part of "the public", as "other landowners", and/or as "local governments" (when so organized). The NFMA regulations also address "Coordination with other public planning efforts" @ 36 CFR 219.7, which could relate to Alaska Natives in its attentions to the planning efforts of "... Indian Tribes."

Application in the Tongass Land Management Plan Revision: (Presentation Outline)

1) Issues Addressed

Principal Issues

- Old Growth Habitat (Wildlife)
- Riparian Area and Watershed Management (Anadromous Fish)
- Timber Supply
- Sustainability of All Forest Resources
- Cave and Karst Resources
- Socio/Economic Conditions

Other Important Issues

- Management of Scenic Resources
- Recreation Opportunities (Local Use and Tourism)
- Subsistence Use
- Wild and Scenic Rivers
- Roadless Areas
- Transportation System
- Minerals

2) Assessments/Analyses Done for Revision

Assessments:

- Northern Goshawk Assessment
- Wolf Assessment
- Marbled Murrelet Assessment
- Disturbance Ecology (Wind) Assessment
- Caves and Karst Assessment

Analyses:

- Viability Synthesis Resource Analysis
- Socio-Economic Effects Analysis
- Mass Movement of Soils Resource Analysis
- Young Timber Growth and Yield Projections
- Timber "Falldown" Resource Analysis
- Site Quality Index Analysis
- Timber Price Projections and Demand Analysis
- Old Growth Inventory Analysis
- Forested Wetlands Suitability Analysis for Timber Harvest
- Tentatively Suitable Timber Acreage Analysis
- Watershed Reserve Strategy

3) Planning Approaches Used

- Prevention versus Correction Strategy
- Science Partnership (Science Members on IDT)
- Science Assessments/Analyses
- Inter-Agency Involvement (FWS/EPA/NFMS/State Government)
- Intra-Agency Involvement
- Open Process (Meetings in 32 SE Alaska Communities)
- Extensive Public Involvement

Enclosure A: NFMA Excerpts Which Show How the Act is Linked to Stewardship, Science, Community and Culture

The purpose of listing the following NFMA excerpts is to show how the Act is linked to each of the four main areas of responsibility and related subjects (**highlighted**), and to offer related comments on how well the Act addresses them. The 1982 NFMA implementing regulations were also reviewed when the subjects were not directly addressed in NFMA. How the regulations expand upon the subjects the NFMA does address is not discussed, however.

STEWARDSHIP (and delivery of resources)

Sec. 2(6) - "The Congress finds that the Forest Service...has both a responsibility and an opportunity to be a leader in assuring the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity;"

Sec. 2(7) - "The Congress finds that ... the Forest Service should expand its research in the use of recycled and waste timber product materials ... and encourage the use of recycled timber product materials."

Sec. 4 - "...all forested lands in the NFS shall be maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans. ..."

Sec. 5 - "...recognize the fundamental need to protect and, where appropriate, improve the quality of soil, water, and air resources;"

Sec. 6(g)(3)(B) - "Secretary shall...promulgate regulations ... (that) shall include...guidelines...which 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, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;"

Sec. 6 - See the provisions related to clearcutting and other even-age harvest methods. E.g., 6(g)(3)(F)(v): "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." on the basis of an interdisciplinary review.

Comment: The NFMA's direction for sustained yield, the protection of the various resources, the maintenance of biological diversity, esthetic considerations, environmental and economic impact analysis, among other provisions, considerably expanded the existing statutory basis for good stewardship.

NFMA also eliminated the restrictive provisions of the Organic Act, which limited the Forest Service to selling only individually marked "dead, physiologically mature, and large growth" trees (according to the the "Monongahela decision" of 1973). It provided the latitude to use a wider array of silvicultural methods to carry out resource management activities.

- Delivery of Goods

Sec. 2(5) - "The Congress finds that inasmuch as the majority of the Nation's forests and rangeland is under private, State, and local government management and the Nation's major capacity to produce **goods and services** is based on these nonfederally managed renewable resources, the Federal government should be

a catalyst to encourage and assist these owners in the efficient long-term use and improvement of these lands and their renewable resources consistent with the principles of sustained yield and multiple use;"

Sec. 6(e)(1) - "In developing, maintaining, and revising plans for units of the NFS ... the Secretary shall assure such plans provide for multiple-use and **sustained yield** of the **products and services** obtained therefrom in accordance with the MUSY Act of 1960, and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness;..."

Comment: NFMA was quite holistic in its focus on renewable resources and recognized the limited ability of NFS lands to provide goods and services. The above attention to private, State, and local government and NFS lands is in keeping with current Ecosystem Management (EM) thinking about planning for the National Forests in the context of all land ownerships.

- Sustainability

Sec. 6(e)(1) - "In developing, maintaining, and revising plans for units of the NFS ... the Secretary shall assure such plans provide for multiple-use and **sustained yield** of the products and services obtained therefrom in accordance with the MUSY act of 1960, and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness;..."

Sec. 6(e)(2) - "In developing, maintaining, and revising plans for units of the NFS ... the Secretary shall assure such plans determine forest management systems, harvesting levels, and procedures in light of all the uses set forth in subsection (e)(1), the definition of the terms 'multiple use' and '**sustained yield**' as provided in the MUSY Act of 1960, and the availability of lands and their suitability for resource management."

Comment: The NFMA reaffirmed the principle of sustained yield previously articulated in the MUSY Act of 1960 and the Organic Act of 1897, and expands its application in directing that forest plans "provide for ... sustained yield" and "coordination" of most of the resources and uses of the Forests.

- Diversity:

Sec. 6(g)(3)(B) - "Secretary shall...promulgate regulations ... (that) shall include...guidelines...which 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, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the **diversity** of tree species similar to that existing in the region controlled by the plan;"

Comment: This provision of the NFMA could be considered a fore-runner of Ecosystem Management (EM) thinking. As is stated in the recent Critique of Land Management Planning, "Not only must resource productivity be sustained, but the diversity of plant and animal communities and tree species must also be preserved. This direction in NFMA, in combination with that of the ESA, provides a firm statutory basis for preserving species and ecological diversity on the national forests." (See p.13 of Vol. 2 of the Critique documents)

This EM-focused provision of NFMA did create a tension with other more resource-focused provisions of the Act. What we mean by "tension" relates to a passage contained in Vol. 2 of the Critique documents which states: "... resource sustainability and maintenance of biological diversity can be accomplished best through an ecological approach - as opposed to a resource approach - to multiple-use, sustained-yield management. The difference between the two approaches is significant. The first is oriented toward the interactions of living things with each other and their environment and toward long-term viability. The latter, by contrast, emphasizes resource allocations, relative value, and scarcity. A resource approach is useful for economic analysis but is conceptually barren for understanding and addressing issues of ecosystem productivity, biological diversity, and sustainability." (See p. 13)

- Viability:

Sec. 6(g)(3)(B) - "Secretary shall...promulgate regulations ... (that) shall include...guidelines...which 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, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;"

Comment: While not addressed in NFMA itself, viability is related to diversity. Viability is addressed in the 1982 NFMA regulations @ 36 CFR 219.19: "Fish and wildlife habitat shall be managed to **maintain viable populations** of existing native and desired non-native vertebrate species in the planning area. ..." This is an example of where the NFMA regulations add substantive additional requirements for Forest Planning to what is called for in the Act. How this requirement is addressed in Forest Planning has proven to be highly controversial, in our experience.

SCIENCE (integrated into forest management)

- Research/Management

Sec. 2(4) - "The Congress finds that the new knowledge derived from coordinated public and private **research programs** will promote a sound technical and ecological base for **effective management**, use, and protection of the Nation's renewable resources;"

Sec. 6(g)(3)(C) - "Secretary shall...promulgate regulations ... (that) shall include...guidelines...which insure **research** on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each **management** system to the end that it will not produce substantial and permanent impairment of the productivity of the land;"

Sec. 6 (h)(1) - "... the Secretary shall appoint a **committee of scientists** (who) shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted..."

Comment: The direct involvement of non-Forest Service scientists in the promulgation of the NFMA regulations may have been precedent setting in integrating science into forest management.

- Assessments

Sec. 2(3) - "The Congress finds that to serve the national interest, the (RPA) renewable resource program must be based on a comprehensive **assessment** of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangelands ...;"

Sec. 6(g)(3)(C) - "Secretary shall...promulgate regulations ... (that) shall include...guidelines...which insure research on and (based on continuous monitoring and **assessment** in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;"

Comment: The language on assessments in the Act can also be regarded as a forerunner of current EM-thinking and adaptive management processes.

- Modeling

Sec. 6(m)(1): "The Secretary shall establish ...standards to insure that, prior to harvest, stands of trees throughout the NFS shall generally have reached the culmination of mean annual increment of growth ..."

Comment: The NFMA does not address analytical modeling directly, but does establish standards (such as the above and others re:sustained-yield for timber, departures, etc.) for the modeling that is associated with forest planning. The NFMA regulations provide many additional analytical or modeling standards and guidelines.

- **Monitoring**

Sec. 6(g)(3)(C): "The Secretary shall...promulgate regulations ... (that) shall include...guidelines...which insure research on and (based on **continous monitoring** and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;"

Sec. 14(e): "The Secretary shall take such action as he may deem appropriate to obviate collusive practices in bidding for trees ... from NFS lands, including ... establishing adequate **monitoring systems** to promptly identify patterns of non-competitive bidding; ..."

Comment: NFMA emphasizes monitoring in relation to timber management. While the NFMA regulations address monitoring in a more comprehensive way (see 36 CFR 219.12(k)), this subject deserves much more attention in both the Act and the regs - especially if Adaptive Management is to be a prime means to dealing with changing management situations in the 21st century.

COMMUNITY (involvement and assistance)

- **Involvement**

Sec. 6(d) - "The Secretary shall provide for public participation in the development, review, revision of land management plans including ... making the plans or revisions available to the public at convenient locations ... for a period of at least three months before final adoption, during which period the Sec. shall publicize and hold public meetings or comparable processes at locations that foster public participation..."

Sec. 11 - "... the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon formulation of standards, criteria, and guidelines applicable to Forest Service programs."

Comment: NFMA does not address community involvement directly. See following comments under "Communities of Interest" and "Socio-Economic Analysis".

- **Communities of Interest**

Comment: Communities of interest are not directly addressed in NFMA. There is some recognition that communities of interest exist in the NFMA planning regulations @ 36 CFR 219.6 (e) which states: "Public comments shall be considered individually and by type of group and organization to determine common areas of concern and geographic distribution. ..."

- **Socio-Economic Analysis**

Sec. 2(3) - "The Congress finds that to serve the national interest, the (RPA) renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangelands, through analysis of environmental and **economic impacts** ...;"

Sec. 5 (in relation to RPA Program): "evaluate the impact of the export and import of raw logs upon domestic timber supplies and prices."

Sec. 6(g)(1): "...insure that land management plans are prepared in accordance with the National Environmental Policy Act of 1969 ..." (which addresses the "... **social, economic** and other requirements of the Nation" in Sec. 201)

Sec. 6(g)(3)(A): "...Insure consideration of the **economic** and environmental aspects of the various systems of renewable resource management ..."

Sec. 6(g)(3)(F)(ii) (re:use of clearcutting): "use ... only where... - ...interdisciplinary review ... has been completed and the potential environmental, biological, esthetic, engineering, and **economic impacts** on each advertised sale area have been assessed, ..."

Sec. 6(k): "In developing land management plans ... identify lands ... which are not suited for timber production, considering physical, **economic**, and other pertinent factors ..."

Sec. 6(l)(1): "The Secretary shall formulate and implement ... a process for estimating long-term costs and benefits to support the program evaluation requirements of this Act. ..."

Comment: While NFMA does not really omit social considerations because of its reference to NEPA, it is not strong in this regard. Direction for dealing with communities of place and interest in collaborative ways could be candidate "areas of improvement" for NFMA.

CULTURE (and its ties to Alaska Natives)

Comment: NFMA does not directly address Culture or Alaskan Natives. Under NFMA, Alaska Natives could be considered as part of "the public", as "other landowners", and/or as "local governments" (when so organized). The NFMA regulations do address "Cultural and Historic Resources" @ 36 CFR 219.24, which states: "Forest planning shall provide for the identification, protection, interpretation, and management of significant **cultural resources** on NFS lands. Planning of the resource shall be governed by the requirements of Federal laws pertaining to historic preservation, and guided by (following procedural requirements) ..." 36 CFR 219.7 "Coordination with other public planning efforts" indirectly relates to Alaska Natives in stating: "(a) The responsible line officer shall coordinate regional and forest planning efforts with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes."

- Subsistence

Sec. 6(e)(1) - "In developing, maintaining, and revising plans for units of the NFS ... the Secretary shall assure such plans provide for multiple-use and sustained yield of the products and services obtained therefrom in accordance with the MUSY Act of 1960, and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness;..."

Comment: Subsistence is not directly addressed in NFMA. However, providing for the above multiple-uses, products and services (especially in relation to wildlife and fish) through planning could be interpreted as also providing for subsistence. NFMA's (and MUSYA's) omission of subsistence could be considered a weakness of the Act (especially if subsistence use by rural people and others is quite wide-spread on the National Forests). (ANILCA addresses subsistence under Title VIII, but only for Alaska).

- Historic Sites

Comment: NFMA does not directly address historic sites. The NFMA regulations do address "Cultural and **Historic Resources**" @ 36 CFR 219.24, which states: "Forest planning shall provide for the identification,

protection, interpretation, and management of significant cultural resources on NFS lands. Planning of the resource shall be governed by the requirements of Federal laws pertaining to **historic preservation**, and guided by ... (procedural requirements which include:) ... (3) Provide for evaluation and identification of appropriate sites for the National Register of **Historic Places**; ... (among others.) ..."

- Traditional Ties to Public Lands

Comment: NFMA does not directly address traditional ties to public lands. The NFMA regulations do address "Cultural and Historic Resources" at 36 CFR 219.24, which states: "Forest planning shall provide for the identification, protection, interpretation, and management of significant cultural resources on NFS lands. Planning of the resource shall be governed by the requirements of Federal laws pertaining to historic preservation, and guided by ... (several procedural requirements)"

The focus of the NFMA regs. re: cultural resources is largely on those that were used in the past, and not on those still being used in the present. Enduring traditional ties to NFS lands, as manifested in native subsistence uses and continuing usage of traditional village and ceremonial sites, etc., may be another candidate "area of improvement" for NFMA (especially if such ties are commonly maintained on many National Forests). (The American Indian Religious Freedom Act of 1978 partially addresses such ties re:sacred sites).