

§218.13

(b) Authorized hazardous fuel reduction projects proposed by the Secretary of Agriculture or the Under Secretary, Natural Resources and Environment are not subject to the procedures set forth in this subpart. A decision by the Secretary or Under Secretary constitutes the final administrative determination of the Department of Agriculture.

§218.13 Judicial proceedings.

The objection process set forth in this subpart fully implements Congress' design for a predecisional administrative review process for proposed hazardous fuel reduction projects authorized by the HFRA. These procedures present a full and fair opportunity for concerns to be raised and considered on a project-by-project basis. Individuals and groups must structure their participation so as to alert the local agency officials making particular land management decisions of their positions and contentions. Further, any filing for Federal judicial review of an authorized hazardous fuel reduction project is premature and inappropriate unless the plaintiff has submitted specific written comments relating to the proposed action during scoping or other opportunity for public comment as prescribed by the HFRA, and the plaintiff has challenged the authorized hazardous fuel reduction project by exhausting the administrative review process set out in this subpart. Further, judicial review of hazardous fuel reduction projects that are subject to these procedures is strictly limited to those issues raised by the plaintiff's submission during the objection process, except in exceptional circumstances such as where significant new information bearing on a specific claim only becomes available after conclusion of the administrative review.

§218.14 Information collection requirements.

The rules of this subpart specify the information that objectors must provide in an objection to a proposed authorized hazardous fuel reduction project as defined in the HFRA (§218.7). As such, these rules contain information collection requirements as defined

36 CFR Ch. II (7–1–08 Edition)

in 5 CFR part 1320. These information requirements are assigned OMB Control Number 0596–0172.

§218.15 Applicability and effective date.

The provisions of this subpart are effective as of January 9, 2004 and apply to all proposed authorized hazardous fuel reduction projects conducted under the provisions of the HFRA for which scoping begins on or after January 9, 2004.

Subpart B [Reserved]

PART 219—PLANNING

Subpart A—National Forest System Land Management Planning

Sec.

- 219.1 Purpose and applicability.
- 219.2 Levels of planning and planning authority.
- 219.3 Nature of land management planning.
- 219.4 National Environmental Policy Act compliance.
- 219.5 Environmental management systems.
- 219.6 Evaluations and monitoring.
- 219.7 Developing, amending, or revising a plan.
- 219.8 Application of a new plan, plan amendment, or plan revision.
- 219.9 Public participation, collaboration, and notification.
- 219.10 Sustainability.
- 219.11 Role of science in planning.
- 219.12 Suitable uses and provisions required by NFMA.
- 219.13 Objections to plans, plan amendments, or plan revisions.
- 219.14 Effective dates and transition.
- 219.15 Severability.
- 219.16 Definitions.

Subpart B [Reserved]

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 1604, 1613.

SOURCE: 73 FR 21505, Apr. 21, 2008, unless otherwise noted.

Subpart A—National Forest System Land Management Planning

§219.1 Purpose and applicability.

(a) The rules of this subpart set forth a process for land management planning, including the process for developing, amending, and revising land management plans (also referred to as