

# PRESIDENT'S MESSAGE



Robert Model  
President  
Boone and Crockett Club

## U.S. Forest Service Centennial

In early January I had the privilege of representing the Boone and Crockett Club as a panelist at the U.S. Forest Service Centennial. The panel addressed the topic of "What

is Expected of the Forest Service in the 21st Century?" I wanted to share an abridged version of the paper I presented, which was placed into the official Centennial record. If anyone would like to receive the entire paper, I would be happy to provide it.

### Partners Since the Beginning — And for the Future

The Boone and Crockett Club, founded in 1887 by Theodore Roosevelt, has a long and proud relationship with the U.S. Forest Service. The Club gave strong support —

**A continued failure of the Congress to wield its sword condemns our national forests and the Forest Service to a status quo that satisfies no one.**

both as a Club and through individual members such as Theodore Roosevelt, Gifford Pinchot, George Bird Grinnell, and others — to the establishment of the Forest Reserves. The Club was there at the beginning — and since — in support of the transfer of the Forest Reserves from the Department of Interior to the Department of Agriculture with the associated establishment of the Forest Service (Trefethen 1975). Many of the Forest Service's chiefs have been members of the Boone and Crockett Club, including Edward Cliff, Gifford Pinchot, Henry Graves, John McGuire, Max Peterson, Jack Ward Thomas, and Dale Bosworth (Boone and Crockett Club 2004).

As a result of that long association with the Forest Service, the Club has both a great interest and a stake in the answer to the question, "What's expected of the Forest Service in the 21st Century?" The answer, of course, depends upon who is providing the answer. The answers that will pour forth from a variety of individuals and well-organized interest groups will, I suspect, be characterized by only a single factor — significant disagreement. But that is nothing new in the history of the Forest Service.

### Changes in the Forest Service Over Time

Too many respondents, dreaming of a past that no longer exists, will assume that the Forest Service itself can, and should, provide the answer. The makeup of the Forest Service has changed dramatically over the second 50 years of its existence. For its first 50 years white-male foresters dominated the agency with a very clear mission stated in the Organic Administration Act of 1897: 1) Improve and protect the forest within the boundaries; 2) Secure favorable conditions of water flows; and 3) Furnish a continuous supply of timber for the use and necessities of the citizens of the United States. This primary mission was not altered significantly in legislation until the late 1950s (USDA 1993). The 1906 *Use Book* listed the two chief duties of Forest Service personnel as follows: 1.) Protect the reserves against fire, and 2.) Assist people in the use of the reserves (USDA 1906).

This simple 50-year-old mission changed beginning in the 1950s with multiple laws being passed from Clean Air to Endangered Species. As a result, today it is much less likely that there is a clear internal "Forest Service view" about any natural resources issue beyond a basic adherence to the general dedication to the agency's motto of "Caring for the Land and Serving People."

### The Forest Service Cannot Control Its Own Destiny — And Shouldn't

I suggest that we begin our search for an answer to the question with a clear understanding that the Forest Service cannot, and should not, define its "conservation mission" or its expectations of performance in this new century — beyond assurance of a dedicated, efficient, and effective pursuit of its assigned mission. In the past, such a mission could be dramatically influenced through the agency's ability to influence legislation, write rules and regulations, sway public opinion, and, thereby, strongly influence budgets put forth by Presidents and the Congress.

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That is no longer true. Furthermore, it is time to recognize that those "good old days" are gone forever. It is time to replace residual myth with a strong dose of reality. The Progressive Era that spawned the Forest Service and influenced its actions and influence now lies far in the past.

### Active Management Is Grinding Toward a Halt

The Forest Service desperately needs a crystal-clear "conservation mission" established in law. That is the responsibility of the Congress. And, Congress has, over the past 100 years, certainly passed a plethora of laws doing just that. Unfortunately, the current state of those laws is that there are so many laws that are so overlapping, so contradictory, so confounding, and so variously interpreted by the courts as to have produced a state of affairs wherein active management of the national forests, for any purpose, continues to grind slowly toward a halt.

### In the Beginning — Simple Promises

The Forest Service's first chief, Gifford Pinchot, made two simple, straightforward promises. The first was that the national forests were

"for use" in such a way that the "greatest good for the greatest number in the long run" would be realized. The second was that "local decisions would be made on local grounds" (USDA Forest Service 1906). That second promise has faded as the combination of growing numbers of poorly coordinated laws — with an associated cascade of court decisions — have tended to concentrate key decisions once made at local levels at higher levels, many above the Forest Service. Failure to adhere to those promises has produced consternation in rural areas close to the national forests — particularly in Western states containing the majority of the national forests.

### Courts Increasingly Call the Shots

As one federal judge put it, "...when a society puts these kinds of issues into a single branch of government designed not to be responsive to the electorate — the judicial branch — you may well have seriously weakened the fabric of a republican form of government in a democratic society, that being representatives chosen by the people themselves. Every subtraction from the power of the legislative and executive branches in areas where it ought not to be weakens your democracy and your republic. You didn't elect me and you can't get rid of me... I do believe that at the federal level the Congress has lodged far too much power in the judicial branch. But I do not

think that it is realistic to expect any substantial or large-scale change...." (Burns 1988:37-38).

I hope that Judge James M. Burns is wrong given the consternation that has built with the continued flood of judicial decisions since he made that statement 17 years ago.

### Lack of Consensus Equals Increasingly Paralysis

Consensus is lacking among the citizenry — at least among those who care deeply about the public lands — as to the appropriate management focus for those lands. That situation is reflected in the Congress. Clearly, the emphasis of how, and for whom, and for what, the national forests should be managed now varies markedly depending upon who holds power in the Congress and who occupies the office of the president.

### Elevations in Decision Making Above the Level of the Forest Service

Decisions once solely within the purview of the Forest Service are now made at the political level of the Undersecretary of Agriculture or elsewhere in the hierarchy of political appointees. Regulations issued pursuant to legislation, originally conceived of as maximally flexible, have become "cast in concrete" due to political sensitivities.

### The ESA Produces "Co-Managers" For the Forest Service

With every listing of a threatened or endangered species, the Forest Service picks up a co-manager from the Fish and Wildlife Service or the National Marine Fisheries Service. As each agency guards its own powers and responds to different authorities and different constituencies, full coordination and cooperation between agencies is often less than it should be but becomes manifest in land management or the lack thereof.

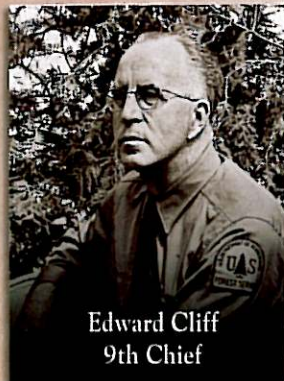
Experience reveals that this overriding de facto mission, with a stiff dose (some would say an overdose) of the "precautionary principle" thrown in, leaves little room for timber or grazing programs or manipulation of habitats to favor wildlife species for purposes of hunting or fishing.



Gifford Pinchot  
1st Chief



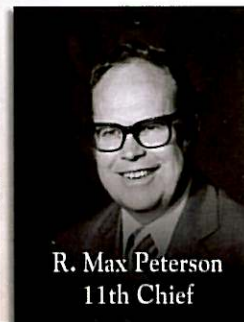
Henry Graves  
2nd Chief



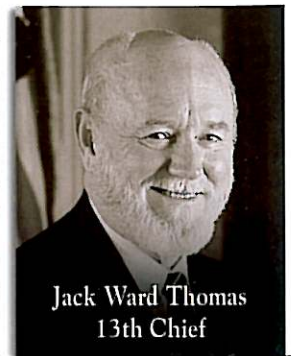
Edward Cliff  
9th Chief



John McGuiire  
10th Chief



R. Max Peterson  
11th Chief



Jack Ward Thomas  
13th Chief

### Court Games — "Sue and Settle"

Recent administrations of both major political parties have learned to manipulate the judicial system through the recent ploy of "sue and settle." In this game, arrangements are made to bring a legal challenge before a federal judge (referred to as "judge shopping") considered likely to render the desired decision. This is certainly clever, and public trust and confidence in government is likely to be degraded in the process. But it would be vastly better if Congress reclaimed its responsibility to make such decisions.

### Congress — Time to Step Up

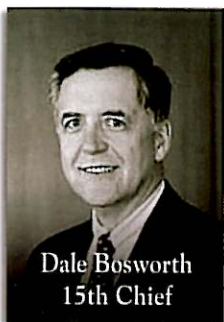
Clearly, a significant number of the members of Congress and governors of the states — particularly those in the West where most of the public lands exist — do not agree with the current state of national-forest management. But these officials have demonstrated neither the will, nor the power, to significantly change operative laws. Current efforts to modify the Endangered Species Act may prove to be an exception. We will see.

### Solution Is Probably Not Within the Purview of the Administrative Branch

The Forest Service, acting alone, cannot — and probably should not — spend time or resources to reinvent itself or its mission for the 21st Century. The agency has struggled mightily over several decades to accomplish that result and failed. That failure is not one of will or of competence or a lack diligent effort.

Significant change will take more than a dramatic political change in power in the executive branch. Congress holds the key to overhauling the laws and regulations governing the management of the national forests. The executive can only propose, the Congress must dispose. More patches applied on the top of existing patches will not solve the current stalemate, and even have potential to make matters worse. A continued failure of the Congress to wield its sword condemns our national forests and the Forest Service to a status quo that satisfies no one.

It is obvious that the system of governance for the national forests



Dale Bosworth  
15th Chief



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is broken. It needs fixing. And only Congress can do that job. If Congress gets around to that job, "multiple use" should be addressed through land-use zoning. That pattern has become well established with designation, in compliance with legislation, of wilderness areas, wild and scenic rivers, recreation areas, municipal watersheds, national monuments, and so on. In addition, the overriding de facto objective for the management of the remainder of national forests has evolved to become the preservation of biodiversity. This results from the application of the so-called "diversity clause" in the agency's planning regulations, which requires that "viable populations of native and desirable non-native species" will be maintained "well-distributed" within planning areas. That regulation, coupled with the evolved policy of absorbing the responsibility of meeting the requirements of the Endangered Species Act on federal lands to the extent possible, reinforces that mandate. Experience reveals that this overriding de facto mission, with a stiff dose (some would say an overdose) of the "precautionary principle" thrown in, leaves little room for timber or grazing programs or manipulation of habitats to favor wildlife species for purposes of hunting or fishing. Unless some lands are zoned where-

in those objectives receive paramount attention, their future is bleak.

### The Forest Service/Boone and Crockett Club Connection: A Tie That Binds

The U. S. Forest Service has no bigger or better fan club than the Boone and Crockett Club, even when there are minor disagreements. We believe that the national forests and the dedicated people of the Forest Service stand out as national treasures. We believe that the Forest Service has demonstrated, during a century of service to the nation, what a well-led and dedicated agency can and should be.

And we pledge our help in getting Congress to give the Forest Service a clear and unambiguous answer to the question, "What's expected of the Forest Service in the 21st Century?"

In the meantime, hang tough, do the best you can, and keep the faith. For a full century you have been part of the "long green line" that has pointed the way for our nation and the world to "Care For the Land and Serve the People." Don't forget who you are, where you came from, and where you are going as you provide world leadership in conservation efforts for another century. Keep the faith! ■