

# THE FOREST FIRES OF 2000

## A Catalyst For Much Needed Change in Public Management



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**THE PUBLIC LANDS OF THE UNITED** States make up approximately one-third of the nation's land base. As those lands are largely "open space," they are primary contributors to fish and wildlife habitat. And, outside of most national parks, these lands are a significant source of hunting and fishing opportunities for the owners of those lands—the American people. These lands are the last bastion of "free hunting" in the United States. No other nation has such a legacy of ownership of land by all the people. Yet such an incredibly valuable public asset is a constant source of conflict.

Even these vast tracts of land are being indirectly influenced by the increasing demands of a myriad of recreational enthusiasts fueled by inexorable population growth, demographic shifts to western states where most of the public lands are located, and growing affluence of the population.

The last 30 years have been years of dramatic changes in how the public lands are managed. The management focus of the Forest Service and the Bureau of Land Management shifted dramatically in response to the legislation and political pressures that have marked the "environmental era." Among these new laws were the National Environmental Act, The Endangered Species Act, Forest and Rangeland Renewable Resources Planning Act, Federal Land Policy and Management Act, National Forest Management Act, and the Wild and Scenic Rivers Act, among many others.

The law with the most dramatic impact on management of the federal lands has proven to be the Endangered Species Act, which, when threatened or endangered species are designated, provides the land management agencies a "partner" in the form of a regulatory agency. The National Marine Fisheries Service deals with marine creatures and anadromous fishes (those that share fresh water and salt water at various

stages in their life cycle). The U.S. Fish and Wildlife Service fills that role in the case of terrestrial wildlife and fishes that are not anadromous. These agencies have responsibility to produce "recovery plans" for threatened and endangered species, and hold veto power over land management actions that are deemed detrimental to the welfare of such species.

Over this period, there have been dramatic reductions in natural resource extraction rates related to timber, grazing, and mining. Recreation pressures and attention to environmental concerns have increased. Controversy, including increased litigation, has intensified as the social, economic, and ecological consequences of adherence to these laws have become manifest. As might be expected, frustrations of interest groups, both preservationists and users of natural resources, have, justifiably or not, focused pressure on the land management agencies.

Republicans became the majority in both House and Senate with the elections of 1994 and have maintained that majority through 2000. House and Senate committees concerned with natural resources were quickly dominated by members from states and congressional districts largely dependent on extraction of natural resources from federal lands. Most Democrat committee members, with a generally more pronounced environmental bent, essentially opted out of the process. The result, largely, has been a six-year-long standoff between the Committees and the Administration—with the land management agencies caught in the crossfire.

As Chief of the Forest Service from 1993 to 1996, I was the primary witness at a number of hearings held by Congressional Committees and Subcommittees related to management of the public's lands. And, I have been a careful observer of such hearings from then to now. I was recently invited by the Committee Chair-

man to travel to Washington to be the lead witness at the last hearing of the Committee on Resources, Subcommittee on Forests and Forest Health, for this Congress. The subject of the hearing was billed as "Regarding the Future of the Forest Service." The wild fire season of 2000 was just winding down and provided a dramatic political backdrop for the hearing. Accusations and acrimony mixed with appreciation for wildland firefighters were the moods of the moment. That testimony I presented was, I believe, well received and has been widely distributed over the internet and by other means. The essence of the testimony was as follows:

The rains have come and the temperatures are dropping in Montana. Snows have come to the high country. The big fire year of 2000 is already fading into memory—and far too soon. There are lessons yet to be contemplated and plans to be made. It is now a time to be coldly analytical and rational.

The "blame game" and inflammatory rhetoric related to the circumstances of the fire season of 2000 are alive and well, and that rhetoric triggers memories for me—raw, sad memories. Six years ago I was in Glenwood Springs, Colorado, the day after a seemingly benign fire on Storm King Mountain had exploded into an inferno that took away the lives of 14 vibrant young firefighters. The Director of the Bureau of Land Management and I stood on the still-smoldering slope where those dedicated public servants died; we swore with choked voices, and through tears, that such a tragedy would not happen again.

But, at that moment, the fire season of 1994 was not over yet. There were other wildland firefighters yet to die. There were 34 deaths that year from efforts to protect lives, property, and natural resources. We, and our dedicated staff of professionals, worked diligently for the next two years to instill a philosophy that firefighter safety comes first, ahead of all else—

and certainly ahead of structures and trees. Those efforts have continued.

That attitude change paid off in this big fire year of 2000. There have been only a small fraction of the deaths that occurred in 1994—but even one is too many. That improvement in safety was no accident, for there have been thousands of firefighters in harm's way. Yet, as the fire season wore on, there have been rare, but pointed, criticisms that the firefighters were not aggressive enough and structures and other property were lost as a result. Be that as it may. Losses to wildfire are tragic. But, in the end, those losses are only of things and not of lives.

How does one evaluate the exchange of lives for property? I only know that I would give up all my material wealth to get back just one of the young lives lost fighting wildland fires on my watch. I say, and unabashedly, God bless the fire bosses for their caring, their caution, and their concern for the safety of the firefighters in their charge.

In the course of the big fire year of 1994, much was learned beyond the need for increased attention to firefighter safety. One political aftermath of that year's fires was the now infamous "Salvage Rider." That rider to the Appropriations Act (a terrible means of making natural resources policy) was passed overwhelmingly by both houses of Congress and signed by the President. The Forest Service was not involved in the deliberations, but was required to report weekly to the Council on Environmental Quality on progress toward meeting the salvage targets. Midway through the field season, it became obvious that the political fallout related to "logging without laws" (which was not true) was a disaster. The Administration pulled back and left the Forest Service "holding the bag." The acrimony and mistrust the Salvage Rider engendered still lingers and poisons the atmosphere as we enter the 21st Century. We

should not repeat that mistake.

There have been efforts, on all sides, to make the fire year of 2000 into a political blame game. Such is both unfortunate in the short term and unproductive over the longer term. There is blame enough to go around as there will be credit enough for those devoted to deriving and applying solutions. For example, I have seen a full-page newspaper advertisement laying the blame for the fires of 2000 at the feet of the Clinton Administration due to reductions in timber harvest. I have a few bones to pick with the Clinton Administration, but laying long-term declining trends in timber harvest at their feet simply does not hold up to assessment. The timber cut from the national forests peaked in 1987 under President Reagan. By 1999, 12 years later, the cut had declined by 77 percent—some 62 percent by the time Clinton assumed the presidency and 15 percent since. Some 8 percent of the decline that occurred on Clinton's watch was attributable to the Northwest Forest Plan that addressed a total shutdown of timber harvesting imposed by a federal judge due to previous failures to satisfactorily address endangered species issues.

Acres considered "suitable for timber production" declined 39 percent since the peak in 1981—26 percent by the time Clinton took office and 13 percent since. Eight of that 13 percent, was, again, attributable to circumstances in the Pacific Northwest. If acres subject to timber cutting had been maintained at the same level that existed when Clinton took office, only an additional eight-tenths of 1 percent of the forest acres on the national forests would have been touched by timber harvest by 1999. That is hardly enough acreage, by any measure, to have had much effect on the fires of 2000.

Miles of new road construction tells the same story. Construction of new roads in the national

forests peaked in 1985 at 3,341 miles and declined steadily to 192 miles in 1999—a decline of 94 percent. About 84 percent of the decline occurred during the Reagan-Bush years, and 10 percent since.

I present these facts not to make any political statement. In fact, my intent is just the opposite. The fires of 2000 were largely the result of nature and circumstances of climate and forest conditions that have come about over many decades as Presidents came and went and Congresses did the same. The interactive effects (manifest through case law) of the some 190 "principal laws relating to forest service activities" has produced a situation where significant reductions in resource extraction were simply inevitable. It simply did not, except to minor degree, matter which political party held the White House and/or controlled the bodies of Congress.

In reality the "roadless issue" that is so prominent today was essentially settled by 1993 by the economic considerations of "below cost" timber sales along with related environmental impact and public opinion. Due to these factors and effective lobbying by environmental groups, Congress—even under Republican control—steadfastly refused to fund roads into roadless areas (areas of 5,000 acres or more without roads) and the game related to timber extraction from roadless areas changed, at least for the foreseeable future.

There has been a creeping and ongoing paralysis of the active management of public lands. And,

**To the protagonists, to the agency, to the Congress, I say: "carpe diem—seize the day." Check the old, tired rhetoric at the door. Look for points of agreement. It is time, well past time, to replace clenched fists and closed minds with open hands and open minds.**

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I believe that to be unfortunate—particularly as that relates to wildlife management in general and management for elk, deer, turkey, grouse, and other game species associated with early forest succession. The spate of environ-

mental legislation of the late 1960s and 1970s has combined to produce an increasingly unwieldy and unworkable situation for public land managers.

Considering each law in isolation, most would agree with the intent of nearly all that legislation. But, these laws were passed by different Congresses at different times with no discernible consideration of the political interactions of those laws and the resultant case law. Now, the chickens have come home to roost. The legal system related to public land management has unwittingly evolved into a nightmare for public land managers who have a bent toward active land management—for whatever purpose.

Some of these laws are antithetical in some of their aspects. For example, the National Forest Management Act clearly intended that plans for

each national forest were to be independently developed with close attention to public participation. The tyranny of the Endangered Species Act, among others, has forced, for good or ill, planning at a hugely magnified scale when wider-ranging species are declared threatened or endangered. The case of the northern spotted owl and salmon in the Pacific Northwest is the classic example where plans concerning 14 national for-

ests and several Bureau of Land Management Districts were simultaneously amended to meet requirements of the Endangered Species Act as judged by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Clearly the concerns for biodiversity preservation have overridden the direction in the Organic Act, the Multiple-Use Sustained Yield Act, and the National Forest Management Act. Debates rage as to the legitimacy of that conclusion.

The time is long past for a new try at an overhaul of the myriad laws bearing on public land management. It is time for reevaluation and reformation. If a Commission is appointed to that task (the usual course of action) it should not, as in past such efforts, be composed of big names with appropriate political pedigrees. Such a team should be centered on folks rich in their knowledge of natural resource management for multiple purposes. The required report should not be noted for flowery rhetoric and scholarly discourse—i.e., much prose leading nowhere but to a dusty bookshelf. The report should take the form of draft legislation upon which debate could center—a platform for defining conservation of the public lands in the new century.

That may be too ambitious in view of the present level of political acrimony surrounding public land management. However, there is an opportunity that can be exploited by the Administration in power. That opportunity lies in the simultaneous revision of the regulations of the land management and regulatory agencies. The purpose of those revisions would be to "streamline" and coordinate processes and ensure maximum possible efficiency.

So, it is up to the American people, acting through Congress, to give the public land management agencies what they desperately need—a clear, or at least relatively uncluttered, mission. It is most cer-

tainly not a time to look for "boycotters" either in the political arena or in the Forest Service to play to one extreme or another of the "conflict industry" for political advantage in either contributions or votes. This is the time for leadership, for statesmanship, and—most certainly—for reason.

The Forest Service has taken several "personalities" since the agency was established in 1905. First, there was the era of land consolidation and protection—the custodial era (1905-1945). During the period 1945-1987, the Forest Service filled the nation's post-World War II demand for timber—the timber emphasis period. The era of 1988 to the present has been an era of coming to grips with the environmental concerns of the nation expressed in the laws of the late 1960s and the 1970s—the environmental era.

The transition has not been easy. On one side, the hard-core environmental movement has not come to grips with the consequences of success. They wander about the battlefield bayoneting the wounded. Having won great victories over a 30-year period, it is essential that they support the program changes in the land management agencies' missions they have helped engender. Environmentalists have proven themselves formidable foes to the land management agencies, but very poor friends and supporters of positive actions.

On the other end of the spectrum are those who engage in ritualized "ghost dances" aimed at the resurrection of resource extraction levels of the "good old days" of the 1980s. Having suffered great defeats, it is essential that the ghost dancers move to ensure that some justifiable, sustainable—and needed—level of resource extraction continues with appropriate attention to environmental concerns.

It has been observed that, in our democracy, decisions are made by the majority of the minority

