

The Future of the National Forests

Part 2: Evolution of our Current Situation

Following is part two of a two-part series based on a presentation given by B&C Emeritus member Jack Ward Thomas at a conference sponsored by the University of Montana's O'Connor Center for the Rocky Mountain West and an article co-authored by Thomas and Alex Sienkiewicz in the *Public Land and Resources Law Review*. Thomas is a past chief of the U.S. Forest Service and retired Boone and Crockett Professor at the University of Montana.

If you missed part one from our Fall 2011 issue, it's worth going back to read. This two-part article should inspire us—members of the Boone and Crockett Club and other conservation groups—into action!

Howard P. Monsour, EDITOR-IN-CHIEF

It is increasingly difficult, expensive, and frustrating for the U.S. Forest Service to achieve its confused mission—or carry out direction from the executive branch and/or Congress. Such is the result from mismatched interacting laws and regulations, inconsistent political direction, and confounding judicial decision.

The Organic Administration Act (1897) empowered presidents to create forest reserves from the public domain "...to improve and protect the forests...securing favorable conditions of water flows, and furnish a continuous supply of timber..." Jurisdiction of the reserves shifted from the Department of Interior to the Department of Agriculture (USDA) via the Transfer Act of 1905, which also established the Forest Service. The national forests—previously forest reserves—were to provide "the greatest good for the greatest number in the long run," according to Gifford Pinchot, first chief of the U.S. Forest Service. Definitions of the "greatest good" were to evolve with time and circumstances, and have done so according to James G. Lewis and Harold Steen, who have both reported on the topic.

By Jack Ward Thomas, Ph.D.

B&C Emeritus Member
Chief Emeritus, US Forest Service
Professor Emeritus, College of Forestry and Natural Resources, University of Montana

*“Where there is
no vision,
the people
perish...”*

PROVERBS 29:18





The first chief of the U.S. Forest Service, Gifford Pinchot believed that national forests would survive if managed to generate jobs, goods and services for local economies and revenues to county, state and federal treasuries. In 1905, one of Pinchot's first acts was to prepare a letter for the secretary of agriculture to send to the Forest Service chief, laying out the new agency's marching orders including the following:

"...All the resources of the forest reserves are for use...under such restrictions only as will insure the permanence of these resources..."

"...the conservative use of these resources in no way conflicts with their permanent value."

"...see to it that water, wood, and forage of the reserves are conserved and wisely used..."

"...local questions will be decided upon local grounds..."

"...where conflicting interests must be reconciled, the question will always be decided from the standpoint of greatest good of the greatest number in the long run..."

"They (these instructions) can be successfully applied only when the administration of each reserve is left very largely in the hands of local officers..."

Later chiefs remained keenly aware of that heritage. Because elected officials from Western states initially objected to the potential competition to private timber producers, early management focused on establishment of boundaries, regulation of grazing and mining, timber harvest for local needs, and regulation of water flows to enhance settlement. Pinchot notes in his autobiography, *Breaking New Ground*, that following extensive wildfires in Montana and Idaho in 1910, wildfire suppression was instituted to protect forests until they could be harvested to stave off an anticipated "timber famine." Some activists, personified in John Muir, believed the national forest's primary purpose should be maintenance of "wilderness character." That clash continues today.

During the custodial era (1905 to 1946), national forests played a minor role in

supplying timber. World War II produced a surge in demand (and prices), which was met from private lands with profits guaranteed at costs plus 10 percent. The timber industry, ravaged by the Great Depression, was rejuvenated. The termination of World War II marked the end of a 16-year hiatus in home construction. Population had increased, economic conditions were improved, and millions of military personnel returning to civilian life unleashed a pent-up demand for housing. Federal programs, including the GI Bill, provided financial incentives to home ownership. The nation turned to national forests to supply the needed wood as reported in Paul Hirt's 1994 book, *A Conspiracy of Optimism – Management of the National Forests Since World War II*.

Suddenly, the trumpet was loud, clear, certain, and sustained. The rallying cry of the can-do agency was "get out the cut!" Praise was loud and support strong while concerns and criticisms were muted. Faith that adequate funds and skilled personnel could overcome barriers to steadily increasing timber harvests was labeled, decades later, as a "conspiracy of optimism." Budgets to harvest timber, including building access roads, were generous.

Successive administrations and Congresses—regardless of party—funded the exploitation but consistently failed to provide adequate funding for follow-up management. Such was euphemistically labeled "a temporary departure from non-declining evenflow." It was deemed acceptable in the process of bringing forests under management. It proved to be a bad bet with severe longer term and continuing ramifications, notes author Paul Hirt.

From 1905 to 1960, the Department of Interior, acting through the National Park Service (NPS) and the Fish and Wildlife Service (FWS) routinely raided the national forests for lands for national parks and wildlife refuges. In response, the Forest Service—abetted by allies in the timber industry, grazers, miners, fishers, hunters, and elected officials—promoted the Multiple-Use Sustained-Yield Act of 1960 (MUSY) that expanded and clarified the agency's mission. "...the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and

fish purposes. The purposes ...are ...supplemental to, but not in derogation of, the purposes ...set forth in ...the Organic Act... (MUSY 1960)."

At that point, the Forest Service—considering the Organic Act and MUSY—appears to have a clearly defined mission listing nine expected outputs which blunted rationales for transferring national forest lands to the NPS and the FWS. That expanded mission led to the myth of the omniscient forester—e.g., foresters and engineers could, with little or no technical assistance, adequately address the broadly expanded mission. That myth was quickly dispelled. Wildlife and fisheries biologists, ecologists, soils scientists, social scientists, recreation managers, hydrologists, law enforcement officers, and other specialists were hired to help the Forest Service meet the nine outputs.

That trend toward cadres of various skilled specialists accelerated with the passage of the National Environmental Policy Act (NEPA) in 1970, which established the Council on Environmental Quality (CEQ) which, in turn, further complicated national forest management. The Forest Service and these new kids on the block did not play well together, and many Forest Service veterans viewed changes in management approaches as complicating the long-standing primary tasks of firefighting, while "bringing the forest under management."

Active Forest Management Slows

Annual timber harvests increased steadily—from a bit more than 2 billion board feet per year (bfy) in 1945 to more than 12 billion bfy in 1968—and remained above 9 billion bfy—until 1988 before dropping to about 2 billion board feet harvested in 2010. To meet the timber targets set by the administration and Congress, harvest of individually marked mature trees (as required by the Organic Act) shifted to even-age timber management (which involved clear-cutting) assuming that Forest Service expertise allowed such an approach.

The courts disagreed. However efficient clear-cutting may be in sustained timber production, its broad scale application engendered growing challenges as clear-cuts were

...a U.S. district court decided that the proposed 2008 regulations satisfied neither the NEPA nor the ESA and gave the Forest Service the option of reverting to either the 1982 or 2000 planning rules—a classic "Hobson's choice" as both are technically and fiscally infeasible.



judged by many as ugly and not in keeping with fish and wildlife welfare, recreation, and watershed values; e.g., many considered it the antithesis of multiple-use management.

In the 1960s, the Monongahela National Forest (West Virginia), Bitterroot National Forest (Montana), and Tongass National Forest (Alaska) were foci of a public backlash against clear-cutting and associated simplification of forest composition and structure. Organized hunters and anglers protested. Some elected officials (federal, state, and local) objected. Some old-line conservation groups expressed concerns. In response, the Forest Service's timber and road-building programs—largely utilizing even-aged management—steadily ramped up. A backlash ensued.

In 1973, the Izaak Walton League sued the Forest Service relative to clear-cutting on the Monongahela National Forest—and won. The 1970 Bolle Report by faculty members at the University of Montana affirmed internal Forest Service reports criticizing clear-cutting coupled with terracing on steep slopes within the Bitterroot National Forest. In Alaska, objections erupted relative to clear-cutting, by drainage, of old-growth forests under the auspices of two 50-year timber sale contracts with Japanese corporations. The three events combined to produce a reverberating public relations and political disaster for the Forest Service.

Attempts at a Fix

In 1973, Senator Hubert Humphrey introduced the Forest and Rangeland Renewable Resources Planning Act of 1974 (FRRRP), saying that “we have a mess on our hands.” Two years later, the mess was even more confusing. He supported amendments in an effort to get the practice of forestry out of the courts and back to the forests. Those dreams were not realized. By 1973-1974, lawsuits and administrative appeals that challenged Forest Service management—from both environmentalists and industry—were routine and increasingly successful.

Some thought that enhanced planning was the answer to establishing and maintaining control. The National Forest Management Act of 1976 (NFMA) required 10-year management plans for each of the 154 national forests. Approaches were left

to Forest Service expertise (that effectively nullified the judicial ban on clear-cutting). Such planning consumed more time, effort, and resources than anticipated and, ultimately, failed to significantly influence Forest Service budgets—or dampen controversy or challenges.

By 2010—34 years later—not one plan for a national forest had been executed in its entirety. The Forest Service proposed, and administrations, Congresses, and the courts disposed. It became obvious that such planning activities actually exacerbated conflict and bolstered a “conflict industry” by way of the license and incentives to legal challenge provided in the 1980 Equal Access to Justice Act (EAJA). In spite of dramatic failure to achieve its intended purposes, the NFMA, remains intact.

Julia M. Wondolleck (University of Michigan Associate Professor) thoroughly reviewed pertinent literature and discussed public lands conflict and resolution with emphasis on managing national forest disputes. Oddly, she made no mention of the impact of the EAJA on the barrage of legal challenges to federal land management decisions. She suggested resolution of conflicts through “collaborative processes” during planning and preparation for individual management actions.

The Forest Service took that advice to heart, and things got worse. Those who deem themselves to be “standing at Armageddon and battling for the Lord” are disinclined to compromise or be bound by compromises arrived at by others. Fringe elements, whether involved in the deal-making or not, that are not in accord with the results of collaboration could, abetted by the EAJA, challenge outcomes in court—i.e., collaboration was no panacea. As a result, today (24 years later) the situation has only gotten worse.

Unfortunately, those who spent time, effort, and money to participate in planning exercises saw hard-won agreements dismantled one piece at a time. Plans, no matter how well done or how well accepted can be challenged—often dismantled—by even a single individual who disagrees with the result, sues under the EAJA and wins. By 2011, legislators resorted to trying to enact agreements for management of individual

national forests into law. Such is fraught with problems relative to sustained financing. Coherent management became, in many cases, outrageously expensive in time and money due to interactions of coordinated laws and subsequent, too often confounding, court decisions.

The Confusing/Confounding Torrent of Legislation

The trickle of legislation related to environmental concerns began in the 1960s and became a torrent in the 1970s, including: Wild and Scenic Rivers Act in 1968; National Environmental Policy Act (NEPA) in 1970; Federal Advisory Committee Act of 1972 (FACA); Federal Water Pollution Control Act of 1972 (an amendment to the Clean Water Act of 1948); Endangered Species Act (ESA) of 1973; Freedom of Information Act (1974); Forest and Rangeland Renewable Resources Planning Act of 1974 (FRRRPA); National Forest Management Act (NFMA) of 1976; Clean Air Act of 1977 (which amended the Clean Air Act of 1955); and the Equal Access to Justice Act (EAJA) in 1980, among others. The trumpet's clear call signaling “get out the cut” and “bring the land under management” wavered and weakened, becoming ever more discordant. Those laws, and the interactions emerging from subsequent judicial decisions, morphed into an increasingly immobilizing Gordian knot. Timber yields declined as management costs soared. In less than a decade, timber harvests dropped 77 percent (from 12 billion bfy to 3 billion bfy).

As described by then-USDA Undersecretary Mark Rey in 2008:

“...the system of laws governing public land management is both disjointed and archaic. The laws are uncoordinated—if not occasionally confused. They are an admixture of process-oriented measures with broad and lofty goals... and absolutist prescriptions... The admixture involves different agencies with different expertise, different objectives and missions, and different outlooks on acceptable levels of risk in decision-making... The statutes are...an affront to the Jeffersonian principle that laws should change as society changes and institutions...keep up with the times...”

The Future of the National Forests

Rey further said (or hoped) that “...The notion that we are stuck in gridlock or driven by past conflicts is no longer entirely valid” putting great store in utilization of “cooperative conservation.” And, the Gordian knot only drew tighter. Three of the primary pieces of legislation—there are many more—that have contributed strands to that knot, include the following.

The National Environmental Policy Act (NEPA) (1970) NEPA imposed checks and balances on land management via public participation and oversight by regulatory agencies. Such interactions, however, provided more checks on management than balance between mission areas. Definitions of balance proved ephemeral and changed with administrations, Congresses and court decisions. The NEPA meant to insure that proposed management was adequately evaluated—which was not defined—relative to environmental impacts. Ongoing decisions of federal judges, ill-equipped to make such judgments, confounded and confused processes of land management.

The Council on Environmental Quality (CEQ), created by NEPA, was to insure compliance with that law. As CEQ’s head is appointed by and reports directly to the president, its actions could be, and often have been, more political than technical in nature. There are no education or experience requirements for that position. The CEQ’s function (and its influence) varies with administrations further confusing Forest Service managers.

Courts ruled that the Forest Service’s applications of professional judgment fell short of the required “hard look” in evaluating proposed management actions. As a result, national forest administrator—and legal counselors—became increasingly risk averse and, too often, produced evermore voluminous assessments in an effort to demonstrate compliance with laws and regulations. Evidently, it was assumed that costs of court-ordered do-overs exceeded costs of excessive documentation. For the most part, the strategy largely failed. Losers included citizens who felt inundated, confused, and turned-off by increasingly voluminous and technically dense documents. Costs in

time and money increased. Post-mortem examination showed that such overkill was an ineffective defensive mechanism.

Political direction changed with administrations, new laws, court decisions, and budgets, which produced shifts in (or constraints upon) management. In the 1970s, the “balance”—aided by court decisions—between preservation and conservation tilted toward preservation. Increasingly complex procedural processes led to less-positive, even negative, cost/benefit ratios for proposed management actions. Gradually, it became more fiscally rational to forego needed and desired management actions than jumping through the hoops and dealing with challenges. Active management became more expensive, more time consuming, less fiscally rewarding and less likely to occur.

The National Forest Management Act of 1976 (NFMA) In the early 1980s, following the initial round of national forest-by-forest planning, the projected timber harvest from the Forest Service approximated 12 billion bfy. The Reagan administration’s USDA Undersecretary John Crowell, former chief counsel for Louisiana Pacific Corporation, persistently sent Forest Service planners back to the drawing board to meet his desired timber target of approximately 25 billion bfy—double the Forest Service’s proposal (which would later prove to be optimistic). The Forest Service resisted, considering a 25 billion bfy timber harvest level impossible.

Increasing costs led inexorably to less active management. Simultaneously, wildfire suppression costs increased with the ongoing buildup of fuels and emerging consequences of climate change. By 2008, fire suppression consumed nearly half the budget for managing national forests. By 2012, the Forest Service faces burgeoning budget deficits, adding to an enormous and growing public debt; building political backlash seems a preamble to significant reductions in discretionary federal spending, including that of the Forest Service.

Unless the Forest Service can carry out sustainable management that generates revenues to cover a significant portion of costs, the future of the national forests

programs and management will increasingly be brought into question. As budgets and personnel decline, the Forest Service will be forced to cut back even further on maintenance, hiring, training, travel, etc., contributing to an ongoing erosion of morale and management capabilities.

The Equal Access to Justice Act (EAJA) (1980) The EAJA allows citizens to sue federal agencies for non-compliance with law(s) and/or regulation(s). Winning plaintiffs are compensated for costs. Conversely, plaintiffs with low net worth (or with nonprofit status) have no liability when they lose, no matter what havoc the suit may have inflicted in terms of management delays and legal costs. An ongoing drumbeat of judicial decisions (case law) defines and redefines the playing field for political/legal games surrounding national forest management.

The Collapse of the Conspiracy of Optimism

The belief, or faith, that we can have it all—timber, grazing, fire protection, wildlife, fish, recreation, water—given proper management of the national forests rang hollow in the late 1980s and 1990s as organized interest groups demanded different outputs increasingly viewed as mutually exclusive. Those win/lose political games gave rise to professional gladiators or hired guns that served various clients. To some extent, the struggle became their reason for existence. Compromises, which dampen conflict, are not in the best interests of gladiators that hold diametrically opposed views. Victory, not compromise, was the objective.

The ongoing collapse (1990-2012) of the wood products industry—especially that segment dependent upon harvest of wood from federal lands—left the Forest Service without an effective constituency. The winners gave no evidence of considering the next question: “Now what?” In the growing lacuna in management, it began to seem inevitable that, without a clear mission coupled with effective political support, national forests are likely to be considered a national/regional liability rather than an asset.

Roger A. Sedjo, an economist and senior fellow and director of Resources for



WALK SOFTLY AND CARRY A BIG STICK...

Theodore Roosevelt



KRIEGHOFF CLASSIC
ALL THE STICK YOU'LL NEED

610-847-5173

K KRIEGHOFF
INTERNATIONAL INC.

www.krieghoff.com

the Future, put it this way "... the Forest Service now stands largely exposed, without public constituencies willing to advocate its cause...given the absence of a mandate that has broad support ...one might ask whether there are any reasons to try to maintain a Forest Service separate from other federal agencies." A decade later, those questions seem prescient and loom larger.

Ecosystem Management

The Endangered Species Act (ESA) has been called the 900-pound gorilla of environmental laws. The status of threatened and endangered species has evolved into the ultimate measure of "protecting the forest" as required by the Organic Act. The purpose is to "...provide a means whereby the ecosystems upon which endangered species and threatened species may be conserved."

It was inevitable that the Forest

Service would adopt ecosystem management as a guide. In 1989 (distributed as guidance to field units in 1992), Chief Dale Robertson announced a new perspective to guide management. President George H. W. Bush made the announcement at the Earth Summit in Rio de Janeiro. As conceived, ecosystem management sought simultaneous achievement of economic, environmental, and social sustainability on national forests.

In the 1990s, the Fish and Wildlife Service, squeezed between science and politics, had no choice but to declare the northern spotted owl as threatened under the ESA. Its primary habitats were old-growth forests of western Oregon, Washington, and northern California—a primary source of high value timber. It was obvious that the required recovery plan would result in dramatic reductions in the rate and amount of cutting of old-growth forests.

A clumsy, drawn-out political circus ensued. Secretary of Interior Manuel Lujan called for the "God Squad" (seven cabinet-level members) to override the requirements of the ESA. To the surprise of the Bush administration, that gambit failed. Then, in 1991, Federal Judge William Dwyer shut down 139 Forest Service timber sales pending development and adoption of a legitimate plan for spotted owl recovery. Big money, thousands of jobs, political survival, and power of elected officials was now on the line. So, the Bush administration delayed action until after the presidential election of 1991; in retrospect it was a strategic and ultimately embarrassing political error.

Partially due to the lingering and increasingly embarrassing impasse, Governor William "Bill" Clinton squeaked by President George H. W. Bush in Oregon, Washington, and California and, was elected president. In

**The Future of the
National Forests**

1992, Clinton convened a timber summit in Portland, Oregon, to gather information, hear concerns, and solicit advice relative to ending the impasse.

Clinton assigned a team of scientists (the Forest Ecosystem Management Assessment Team or FEMAT) to provide alternate management scenarios with assessments of economic and social impacts. Most significantly—and with dramatic, far-reaching lasting effects—he ordered that “impacts were to be absorbed, first and foremost, on public lands while taking an ecosystem management approach.” Those instructions had significant lasting consequences, still not fully appreciated, for subsequent management of federal lands. Henceforth, federal lands would be first in line to provide habitats—and absorb the impacts on current programs necessary to sustain and recover threatened and endangered species.

The resultant dramatic diminution in federal timber programs in the Pacific Northwest was a harbinger of declines across the entire national forest system. Such policy became a dramatic—but little recognized—constraint on public land management that will increase over time as additional threatened and endangered species are identified by the FWS and the National Marine Fisheries Service (NMFS).

Simultaneously, many forestland-holding companies facing dramatic reductions in timber available from public lands sought new ways to improve returns on investment. Profits from timber were increasingly constrained by competition from nations less fettered by legal and environmental constraints and benefiting from lower costs of production. Conversions to Real Estate Investment Trusts (REITS) and other more economically attractive ventures increased.

Beginning in 2007, that trend was accelerated by the onset of the Great Recession with associated declines in values of residential properties and demand for new housing. Most of the land-holding companies' value was now in the land itself, with a much lesser share in the trees growing on that land.

Many whose livelihoods and cultural identities were tied to the timber industry were shaken. Many mills, large and small,

closed as politicians and timber industry champions raved, empathized, wrung their hands, pounded their chests, and promised relief—and utterly failed to change the course of events. Yet, the associated sound and fury did signify something—festering frustration with resultant economic/social disaster.

Most hard-core environmentalists demonstrated little concern with the social/economic consequences of their victories. Some, figuratively, continued to wander the old battlefields “bayoneting the wounded” via challenges to even minor forest management activities. But victories have consequences. To the victors belong the spoils—and some responsibility to ameliorate consequences of their victories; i.e., you break it, you own it. There was applicable wisdom in President Lincoln's admonition to General Grant near the end of the Civil War, “Let ‘em up easy.”

Inevitable Change—Underway and Piecemeal

By 2009-2011, political efforts emerged to cut a deal by working around laws and established processes for management of national forests in Montana and Oregon. These efforts were variously labeled as collaboration, cooperation, or coordination and aimed at cohabitation of landscapes of intermingled federal, state, and private forests. Compromises, worked out by small groups of self-selected participants cutting behind-the-scenes deals, emerged as proposed legislation. These deals demonstrated no recognition of inherent problems in assuring funding over time and inevitable necessities to react to changes in economic/environmental conditions—and budgets. A congressman's ability to keep his promises disappears with his departure from congress.

That begs questions. What consequences will emerge? Who owns the national forests—the people of the United States or local self-appointed interest groups? Who gets to play in the game and under what rules? How will the various deals be funded—year after year, decade after decade, in face of changes in legal/political/environmental/economic conditions? Is it wise, or prudent, to open this Pandora's Box? Are the elected

officials involved “wise men” or players in new, poorly considered political games to placate constituents—perhaps with an eye on the next election?

In 2003, the Healthy Forest Restoration Act (HFRA) focused the attention of Forest Service managers on prevention of wildfires in the wildland-urban interface (WUI) primarily through thinning of second-growth forests. Maybe it was simply too politically incorrect for environmental warriors to mount opposition. However, similar instructions to protect watersheds have yet to receive equal management attention because of potential legal challenges.

Some hard-core environmentalist organizations routinely, astutely, and successfully utilize skilled, experienced legal counsel and litigators—with challenges facilitated by tactical advantages and economic stimuli provided by the EAJA. Winning challenges produce a payday, and they win a lot. There is no risk of liability if they lose.

The EAJA playbook can facilitate carefully coordinated, strategically-timed challenges that render proposed management actions moot via time delays and costs that combine to produce unfavorable cost/benefit ratios for management actions in question. For example, a loss can be considered a relatively cheap win if the activity in question is abandoned. Conversely, proponents of the management activity can only engage in litigation as intervener without chances of recovering costs. As a result, many Forest Service managers become more and more risk averse and shy away from even short-term environmental risks that would lead to longer term improvement(s) and, perhaps, financial returns to the treasury and county coffers, not to mention jobs.

On the flip side, even mentioning global climate change (that the Forest and Rangeland Renewable Resources Planning Act of 1974 requires “...an analysis of the potential effects of global climate change on the condition of renewable resources on the forests and rangelands...”) is attacked by some of conservative bent. Such is nothing new and amazingly prescient.

Required environmental impact statements (EISs) emphasize immediate and short-term impacts of proposed management



Hear the Difference
Custom Fit Digital Series

ESP's custom fit electronic ear plugs maintain superior protection while providing you the ability to hear natural surroundings with precise digital clarity. This gives you a tactical and competitive advantage wherever you shoot.

esp
electronic shooters protection

(303) 659-8844 esp@usa.net www.espamerica.com

actions and associated short-term risks. And except for activities proposed under the HFRA, there is no requirement to evaluate risks of not carrying out proposed actions—a serious shortcoming. After the Environmental Impact Statement (EIS) is finalized, interactions with federal regulatory agencies (FWS, EPA, and/or the CEQ) ensue—especially when threatened or endangered species are involved.

Any of these agencies can give a “thumbs-down” on the proposal(s). Management success depends on the Forest Service’s capability, flexibility, and agility to react effectively to changing environmental, social, political, legal, and economic realities in the face of a gushing stream of new information, new understandings, political direction and evolving legal situations (i.e., court decisions). Management capabilities, already difficult, are increasingly impaired. Why?

The Forest Service increasingly lacks a clear mission (see R. Max Peterson’s chapter, “Does the Forest Service Have a Future” included in *A Vision for the U.S. Forest Service* published by Resources for the Future for an opposing view) and consistent political/legal direction. Julia Wondolleck expounded the same thesis a quarter century ago, and yet, problems for managers got worse. The present hiatus in national forest management is multiplied by accelerating losses of experienced personnel through attrition.

A look at the Forest Service planning regulation (mandated by the NFMA in 1976), is informative. The first regulations took three years to produce (1979) and were revised only three years later (1982). In 1994 another attempt at revision was aborted by the USDA undersecretary. In 2000, yet another try failed. All three versions contained what was intended to be “philosophical guidance” to

managers to mollify environmentalists’ objections. Appellants, and, subsequently, the courts, took that guidance literally. It follows (emphasis added). “... Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area...In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that individuals can interact with others in the planning area...”

Taken literally, these requirements are technically and economically (there is a decided interaction between the two) impossible to meet. Therefore, this paragraph is irrational except as generalized guidance. Deriving the required information—frequently enough and with enough precision

The Future of the National Forests

to be meaningful—for hundreds of species (some cryptic and little known) across 154 national forests was, is, and will remain impossible. Even if such surveys were economically feasible and technically possible, it would be many years to be able to discern differences between natural perturbations from changes related to habitat conditions. That is a “mission impossible” frozen in time by court decisions—a classic catch-22.

In an effort to escape this mission impossible, draft regulations included a habitat relationships approach as a means of evaluating the welfare of all vertebrate species.

“...Plan decisions affecting species diversity must provide for ecological conditions that the responsible official determines provides a high likelihood that those conditions are capable of supporting over time the viability of native and desired non-native species well-distributed throughout their ranges within the plan area...A species is well-distributed when individuals can react with each other in the portion of the species range that occurs within the plan area...”

It was left to the “responsible official” to determine if the requirements had been met. The proposed 2008 regulations took a tack more in keeping with ecosystem management.

“...The overall goal...is to provide a framework to contribute to sustaining native ecological systems by providing appropriate ecological conditions to support diversity of native plant and animal species in the plan area...If the responsible official determines that provisions in plan components...are needed to provide appropriate ecological conditions for specific threatened and endangered species, species-of-concern, and species-of-interest, then the plan must include additional provisions for these species...”

On June 30, 2009, a U.S. district court decided that the proposed 2008 regulations satisfied neither the NEPA nor the ESA and gave the Forest Service the option of reverting to either the 1982 or 2000 planning rules—a classic “Hobson’s choice” as both are technically and fiscally infeasible. At some point the question must be asked, what are the consequences of a rule that cannot be met and, yet, cannot be altered? Clearly,

escape from this dilemma requires clarifying legislation if any significant management actions are to take place.

High Troop Morale Critical to Success

In 2009, the Forest Service was ranked near the bottom of government conservation agencies as a “desirable place to work.” Fourteen years previously, the Forest Service had been identified as a “bureaucratic superstar” on the basis of effectiveness and high morale according to Jeanne Nienaber Clarke and Daniel McCool who co-authored *Stake out the Terrain—power differentials among natural resource management agencies*. What happened?

Effective organizations have clear, coherent, attainable visions and missions and the means to achieve them. Timber harvest programs carried out from 1946 to 1990 produced significant financial returns to county and federal treasuries and provided thousands of direct and indirect jobs in rural areas where well-paying jobs were, are, and will remain, relatively scarce. Powerful politically active constituencies—the wood products industry, its workers, associated communities, state wildlife agencies, and local and state governments—provided political support for Forest Service timber harvesting and substantial, though far less than adequate, funds for reforestation, rehabilitation, and road maintenance.

In retrospect, ever higher timber harvests (with associated roads) were too narrow a vision pursued too vigorously for too long. Ultimately, public backlash—and the fact that most of the “easy stuff” on the “easy ground” had been cut using clear-cutting—produced dramatic reductions in timber programs across the entire national forest system. In 1976, Payments in Lieu of Taxes (PILT) was authorized by Congress to compensate counties for the diminution of timber harvests from federal lands which provided 25 percent of receipts from timber harvests to counties for roads and schools. PILT compensated counties for national forests within their boundaries not being subject to state, county, and local taxes.

Today, increasing pressures to reduce federal spending begs a question—will PILT

continue when slashing federal expenditures is *de rigor*? If so, affected states and counties will demand reexamination of the benefits and costs of national forests within their boundaries. Already, some suggest that national forest management be turned over to the states to be managed under state laws and regulations to produce jobs and revenues to the states and counties.

Seeing Things as They Are

Conflict smolders as the winds of change surge, producing more and more political spot fires. Yet, the established political postures of the old gladiators remain frozen in place. Why? As Upton Sinclair noted, “It is difficult to get a man to understand something when his salary depends on his not understanding it.” Yet, times, circumstances, and understandings do change—socially, economically, politically, and ecologically—however slowly and reluctantly. Then, when change finally comes, it can come very quickly.

The good old days are gone; they will not return. It is well past time to sheath political weaponry and bind up old wounds—of land and people. It is time to seek new vision. What was, to many, an entertaining debate during plush times, seems ever less so in a time of sustained economic, social and political strain.

The Specter of Wildfires

Much of the lingering positive public image of the Forest Service emanates from the aftermath of the fires of 1910 in Montana and Idaho—and all the attempts since to avoid and/or bring forest and rangeland fires under control. Those who battled those fires and the wildfires since, especially those who died in the efforts, remain fixed in the public’s mind as heroes, the good guys incarnate, despite the too-frequent fatal errors made in those efforts according to several research projects from 1951 to 2009. Oddly, a century after the fires of 1910, one of the Forest Service’s original *de facto* missions—to protect forests and rangelands by suppressing wildfires—has resumed center stage. The near certainty of wildfires increasing in number, intensity, and acres burned now focuses on the WUI (wildland-urban interface) where homes sprout in

Conflict smolders as the winds of change surge, producing more and more political spot fires. Yet, the established political postures of the old gladiators remain frozen in place. Why? As Upton Sinclair noted, “It is difficult to get a man to understand something when his salary depends on his not understanding it.”



areas difficult to defend against fire. That situation will worsen as land-holding wood products companies maximize incomes by subdividing their lands for home sites.

As a result, the Forest Service is, albeit reluctantly, becoming more and more like a federal fire department protecting those rural homes—especially those in proximity to national forests—as states, counties, and local governments grant more and more permits for construction of homes in the WUI. In 2007, the Forest Service spent some 45 percent of its budget in combating wildfires—up from 13 percent from 2006. Overall budgets for firefighting (adjusted for inflation) and personnel dedicated to firefighting have declined over the previous two decades.

In view of global climate change and the increasing fire-prone conditions of disease-ridden forests—especially in the Intermountain West—where pine bark beetle infestations have decimated countless acres of forests and a drive into the mountains can be likened to whistling past the graveyard. High densities of young trees in regenerated forests have not been subject to planned-for thinning operations that have been put off year after year and decade after decade due to inadequate appropriations and political opposition. Such situations are growing, and that seems likely to continue.

Rationales for, and ultimate costs of, increased wildfire prevention/suppression—beyond political expediency—have been inadequately thought through relative to long-term ecological impacts. For example, dramatic forest thinning in the WUI to lessen fire danger will facilitate production of forage for wild ungulates at the same time that upland habitats are deteriorating sans active management. Problems persist with increasing numbers of ungulates in the WUI (damage to ornamental vegetation, need for population control, problems associated with hunting or other forms of controlling ungulate numbers). The natural predators of the ungulates—bears, cougars, wolves, bobcats, and coyotes—will follow their food source into the WUI, especially in fall, winter, and early spring. That is already occurring and adding to burdens of state fish and wildlife agencies.

Simultaneously, the acreage of increasingly dense unmanaged second-growth



Pack Your Trunks.
Greatest Hunting Convention on the Planet.
January 5-8, 2012 – Dallas Convention Center

DSC
DALLAS SAFARI CLUB
www.biggame.org

stands at higher elevations will inexorably increase. Among foreseeable consequences is a resurrected, enhanced, increasingly difficult and dangerous, increasingly expensive, politically volatile, fire prevention/suppression mission for the Forest Service. The 24-hour news cycle will emphasize firefighting, especially when there are—increasingly probable—casualties among fire fighters, civilians, and losses of homes. That will likely occur simultaneously with pressures to decrease federal expenditures.

Upcoming budget shifts to fire prevention/suppression will reduce numbers of Forest Service specialists in other fields. In 2007, the Forest Service spent \$741 million more than appropriated for fire suppression by routinely “borrowing” from other Forest Service budget lines. It was assumed that the funds spent on firefighting in excess of budgeted amounts would be made whole, as had been customary,

through supplemental appropriations. This time, there was no repayment. Was that a harbinger? In response, the Flame Act of 2009 assured that such borrowed funds would be replaced through supplemental appropriations.

Is such replacement likely, year after year, considering worsening fire conditions coupled with declining overall budgets? Over the same period, wildland firefighting capabilities have declined in terms of numbers of elite fire fighting crews, availability of aging military aircraft modified to deliver retardants and state-of-the-art fire suppression equipment. Costs are increasing as capabilities at federal, state, and local levels dwindle. It would be well if elected officials and budget hawks did the math and heeded the ancient admonition to “come let us reason together.”

“PDQ” (pretty damn quick) would be good. ■

The Future of the National Forests