

*Executive Summary
of the soon-to-be-published book*

FOREST OF DISCORD

Options for Governing Our National Forests and Federal Public Lands

Donald W. Floyd, Editor

Kelsey Alexander, Charles Burley, Arthur W. Cooper, Arthur DuFault, Ross W. Gorte,
Sharon G. Haines, Bruce B. Hronek, Chadwick D. Oliver, Edward W. Shepard

Society of American Foresters
Bethesda, Maryland

Conflict over land use and management is an enduring theme in history. Disputes over natural resources have sparked wars and armed conflicts around the world. In the United States we have left the battlefield for the courtroom—and the court of public opinion—but the conflicts are no less impassioned just because the adversaries advance their cause by brandishing laws and regulations instead of swords and rifles.

The laws and regulations that govern the national forests and public lands¹ are the accretion of 200-plus years of American democracy, but like the profession of forestry itself they have seen the most activity in the last century. Federal land management policy has lurched from conveyance to water protection and subsistence timbering, from multiple use to ecosystem protection—al-

ways reflecting change in public values—and each new policy overlays its predecessors. Moreover, the managers entrusted to make land-use decisions are constrained by the regulatory agencies charged with enforcing statutes like the Endangered Species Act and the Clean Water Act. As a result,

the language that governs the public lands is sometimes contradictory, and clear direction about priorities is lacking.

Even though the difficult resource allocation decisions have not been—perhaps cannot be—

made, land managers struggle to design and implement plans for land use. The doctrine of multiple use, which seems to promise all things to all people, is intended to be their guide. But at which scale—both temporal and spatial—should managers make decisions? Using the national forests and the public lands for a variety of purposes is not an unreasonable goal, but some uses are incompatible with others and cannot be achieved simultaneously or

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¹ Public lands are the lands described in Section 103 of the Federal Land Policy and Management Act of 1976 (FLPMA), i.e., those lands administered by the Bureau of Land Management.

equally across a landscape. Multiple use has thus become an engine of conflict that pits one interest group against another and denies land managers a clear mandate.

Some people argue that partisan politics has interfered with the work of the public land management agencies. Although the Forest Service may now seem less insulated from political whims—the possibility that future chiefs may undergo Senate confirmation would exemplify such a trend—a reading of history shows that both the Forest Service and the Bureau of Land Management (BLM) have often been caught in political crossfires. The problem may be not politics itself but the political timeframe: election and budgeting cycles do not coincide with forest rotations or ecological processes. The challenge is to give land managers the tools they need to plan for the long-term resilience of the land in a political environment.

Whatever the direction of the agencies and the twists and turns of politics, the most important legacy of the public land manager is the health of the land. The land can provide no more than it is capable of, and at times politicians and citizens expect too much. The difficulty lies in balancing the discretion of the professional with the preference of the public.

Public sentiment will inevitably drive natural resource management on the public lands, and indeed, in our democracy, public lands ought to be managed for public purposes, consistent with ecologically sound principles. But the laws and regulations intended to determine the highest and best use of the land, to react to changes in public sentiment, to resolve conflicting values—these arbiters have in many respects failed. The accretion of laws is like a leaky roof, and each law is like new shingles—of variable quality and longevity—nailed on top of the old; still the patched roof leaks. It is time to tear off all the shingles and lay a new roof.

The Issues

In *Forest of Discord: Options for Governing Our National Forests and Federal Public Lands*, the Society of American Foresters analyzes the critical policy issues that successful legislative and regulatory reform must address.

One fundamental problem is that the purposes of the national forests and public lands are no longer clear. Changing public values, court decisions, administrative

agendas, and federal environmental laws have combined to emphasize biodiversity, ecosystem functions, and forest health. The land management statutes—last revised more than 20 years ago—no longer adequately convey the public purposes or the priorities for which these lands should be managed.

No management planning process for the public lands and national forests can resolve basic differences in values. Congress and agency managers had assumed that a locally based, rational planning process would resolve those differences, but experience—including appeals and lawsuits—has proved the assumption wrong.

Congress has never adequately defined the roles of local communities in implementing its broad legislative statements. Is this a bottom-up process in which each community selects its priorities? Or is it a top-down arrangement, in which Congress sets the goals and the community has only a limited say?

The planning process is also unclear about which decisions are made when and where. No public organization or management system can be effective without clearly articulated goals and an unambiguous decision-making process.

The purposes of public participation in federal resource management remain unclear. What is the goal? In some cases participation at the local level by citizens and interest groups seems to have paralyzed implementation of agreed-upon national or regional policy goals.

Federal environmental laws and land management laws do not mesh well, and land managers must comply with the hundreds of sometimes-conflicting statutes, executive orders, and regulations that guide the planning process.

Both natural resource monitoring and program implementation monitoring are currently inadequate. Despite intensive data gathering, useful information about resource conditions and agency performance is often inadequate.

Funding is not adequately related to management priorities, and new means must be found to fund resource management. Budgets are not linked to the resource management plans and resource monitoring plans, yet all three are tools in the management process.

In short, the problems that exist are both serious and complex, and it is unlikely that regulatory reform can resolve them. Rather, new legislation is warranted.

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American legacy, and because of their importance, new legislation should reflect bipartisan consensus.

The Solutions

Forest of Discord sets forth the options for change in three categories: clarifying the purposes, improving the planning process, and financing land management.

Clarifying the purposes

- Congress has the constitutional responsibility to set policy for the national forests and public lands and should act decisively to establish clear priorities for their management. The new legislation must clarify which of the many legitimate public values are now most important.

- It is appropriate that national forests and public lands be managed flexibly to meet the changing needs of the nation. Congress should clearly articulate in new legislation that the concept of multiple use is not necessarily appropriate on every management unit, but may be better applied in the aggregate across the national forests and public lands.

- If Congress wants to retain sustained yield as a tenet, it must clearly say so and then broaden the definition to include all the legislated public values associated with the national forests and public lands.

- The federal land management agencies should be given broad authority and responsibility to meet all applicable environmental and legal requirements. Consultation is appropriate, but other federal and state agencies should not have the authority for approving land management activities.

Improving the planning process

- Resource management plans and subsequent monitoring strategies should provide an appropriate range of diverse, resilient aquatic and terrestrial communities.

- Resource management plans should identify and quantify (to the extent feasible) appropriate goals and outcomes, including vegetation management goals, and commodity and amenity outputs.

- The plans should compare and contrast the goals and outcomes with recent performance, highlighting situations where a significant change in direction is proposed.

- Plans should indicate expected financial performance and expected economic and environmental consequences,

including economic and social stability, downstream air and water quality, and other environmental effects.

- The goals and outputs (including fiscal expectations and downstream effects) should be set forth in a manner that provides a basis for monitoring, evaluating, and reporting agency performance.

- Both citizen participation and professional discretion are important in resource management planning. Citizens clearly have a responsibility to make their wishes known, and professional resource managers have a duty to listen carefully to the public.

- Local public participation should enrich, not paralyze, implementation of national or regional policy goals. Congress must clearly define the role of local participation with regard to national policy directives. National and regional decisions should be shaped through national and regional participation.

- Both Forest Service and BLM forest planning regulations should identify the analyses and decisions that must be made at each planning level.

- Forest or area plans and resource management plans should identify necessary monitoring as well as the type, location, and intensity of measurements needed. Monitoring should be cost effective and should concentrate on key outcomes. The monitoring plan should be part of the decision document.

- Both Forest Service and BLM forest planning regulations should provide a systematic means for addressing new information, including the results of monitoring. This should include ways to preserve or protect values of concern while the new information is examined for scientific validity and incorporated into analyses and decisions, but without overriding or invalidating the planned targets and budgets.

- Experimentation should be encouraged, but it should be limited to certain conditions. Authority for experiments should be constrained until the agencies have demonstrated that adequate controls are in place.

- Any legislation designed to improve the planning process should be clear in its relationship to existing planning legislation.

Financing land management

- A variety of experimental programs exist for collecting revenues from recreational users and nontraditional forest products. These programs should be expanded. If, for example, watershed management is reemphasized, Congress must address how to pay for it, or how it can pay for itself.

- Forest or area plans should explain how the goals

and outcomes would be affected by differing budgets. Annual reporting on agency performance can then compare and contrast the goals and outcomes of the plan with the requested budgets and actual appropriations.

- Use of the trust funds and special accounts should be reviewed and modified if necessary. Administrative reform is warranted before legislative changes are considered. The agencies should use care to ensure that projects funded through these accounts meet the legislative intent Congress had when developing the accounts.

- Congress should continue to examine the adequacy of payments in lieu of taxes and other compensation

programs to ensure that the states and counties are fairly and consistently compensated for the tax-exempt status of federal lands.

The issues are complex, and we do not begin to suggest that resolution will occur within one or two Congresses. Rather, we hope that *Forest of Discord: Options for Governing Our National Forests and Federal Public Lands* can be used as a beginning for bipartisan discussion and policy development. After more than a century, the forest of harmony still seems to lie beyond our collective horizon. We hope that this and similar efforts will allow us to glimpse that forest among the trees of our disagreements.

Available April 1999...

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This forthcoming book presents a thorough analysis of the issues surrounding federal forestland management in the United States, with historical context, plus options for future governance of the lands administered by the Forest Service and the Bureau of Land Management. Publication date: April 1999.

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