

the expertise and capacity to become certified.

Pilot certifications are therefore especially valuable within the context of tribal forestry. The diversity of tribal forest management objectives and constraints, necessitate a better understanding of the applicability of certification. The Institute has been working with the Intertribal Timber Council to design a certification process that addresses the broader challenges faced by tribal managers. These discussions lead to a commitment from thirty tribes to use certification as part of the Congressionally-mandated NIFRMA.

The proposed effort will be a collaboration between the 30 tribes, the Intertribal Timber Council, FSC and SFI auditors, IFMAT-II, and the Pinchot Institute. Assessments carried out by FSC and SFI teams will determine the readiness of tribes to undergo certification, while serving as much of the in-field portion of the NIFRMA. Several tribes have already expressed interest in going through the full assessment if they are recommended to do so. Others will wait for the outcome of this first phase. The Pinchot Institute will interview everyone involved to understand how each tribe made these decisions. Overall the project will achieve several valuable outcomes, both for the Tribes and for the certification systems — doing so in a way that carefully preserves the unique and independent approaches to forestry practiced on Indian forest lands. For more information please contact Will Price at (202) 797-6578, or at [will-price@pinchot.org](mailto:will-price@pinchot.org).

<sup>1</sup> IFMAT summary report available from the Intertribal Timber Council.

<sup>2</sup> IFMAT summary report available from the Intertribal Timber Council.

## COMMENTARY

# Restoring Faith in Forest Service Decision Making

*V. Alaric Sample*

The U.S. Forest Service will soon celebrate its centennial. In recognition of this, Resources for the Future has just released a book entitled *A Vision for the U.S. Forest Service: Goals for Its Next Century*.<sup>1</sup> The book is based on a 1999 conference convened by RFF and the Pinchot Institute in honor of the late Marion Clawson. Through most of the Forest Service's one hundred years, the agency was regarded as one of the most successful and effective of all the Federal agencies. During the three decades, however, the Forest Service's public esteem and political support has eroded to the point where thoughtful people, such as several of the authors in *A Vision for the U.S. Forest Service*, speculate openly about the dissolution of the organization and the assignment of its assets to other agencies. What happened?

## CENTRALIZATION AND THE EROSION OF COMMUNITY SUPPORT

It is no accident that this period of declining support has coincided with a period of increasing centralization of decision making authority in the Forest Service. Observers from former Interior Secretary Harold Ickes to political scientist Herbert Kaufmann recognized that one of the greatest strengths of the Forest Service in its heyday was its highly developed, and finely-tuned system for decentralized decision making within a broad framework of national-level policies. Local decisions, particularly those limiting resource uses, were regularly challenged. But user groups, Congress,

local communities—and most importantly the local Forest Service decision makers themselves—knew that a decision based on local knowledge and conditions, and within the bounds of general Forest Service policy (as articulated in the 4" x 5" x " Use Book), would be supported all the way to the Chief of the Forest Service if necessary.

After more than a half-century of success with this organizational model, Forest Service decision making began to get more and more centralized. Timber targets were handed down by Congress through the annual appropriations process, often in excess of what was proposed by the Forest Service, and assigned to local units. There were growing concerns from local resource managers as well as many forest users that such harvest levels were not sustainable, but the Forest Service was a "can-do" agency and somehow found a way to make it work.

But it didn't work. Unheeded public concerns eventually spilled over into the courts in places like the Bitterroot and Monongahela National Forests. The Forest Service ended up with laws like RPA<sup>2</sup> and NFMA,<sup>3</sup> with detailed rules and regulations about how forest resources could and could not be managed, and how decisions were to be made and reviewed. The early 1970s were the heyday of rational-comprehensive planning in the Federal government, and the Forest Service embraced these planning mandates as the ultimate manifestation of the "scientific management" model that would allow them to make decisions on the basis of hard, cold facts rather than by arbitrating among conflicting value systems. NEPA was just

beginning to flex its muscles as well, and was extended beyond the major Federal projects like the proposed Tocks Island Dam or the Alaska Pipeline that had prompted it, to include the myriad, ongoing daily management decisions by Federal land management agencies.<sup>4</sup> Finally, ESA<sup>5</sup> was emerging as the ultimate trump-card over multiple-use management, but so confident was the Forest Service that it imposed upon itself even stricter NFMA regulations requiring that viable populations of every species be maintained throughout its habitat range.<sup>6</sup>

All of these factors combined to severely limit local flexibility in resource management decision making. What had been a framework of national-level policy that could fit in a ranger's shirt pocket had become a multi-volume set of rules that filled 17 feet of bookshelf, covering virtually every detail of daily decision making. NEPA, along with an administrative appeals process unique to the Forest Service, provided an almost unlimited set of opportunities to halt agency decisions on the basis of process if not substance, and multiple layers for appeal that could block any decision almost indefinitely.

Ironically, the Forest Service reached the pinnacle of centralized decision making, and the overturning of many local decisions, during a period when all of these laws were temporarily suspended. The Clinton Administration's response to the 1994 timber salvage rider was bring hundreds of District- and Forest-level decisions directly under White House review, and to reverse many of them. Subsequent decisions, such as the Administration's decision to overturn the Forest Service planning recommendations for the Tongass, or their decision to administratively withdraw all the remaining roadless areas from development, are unprecedented in the degree to which resource management deci-

sion-making authority has been shifted from the local level to the national level.

Depending on one's particular values and interests, the decisions that have emerged from all this might be good or bad, but what is clear is that resource management decision making in the Forest Service has never been more centralized, and thus more vulnerable to the changing political winds in the nation's capital.

#### RESTORING THE BALANCE BETWEEN NATIONAL POLICYMAKING AND LOCAL DECISION MAKING

Today we see as a result of this a severe erosion in the faith and trust in the Forest Service by local communities whose environmental, social, and economic sustainability is inextricably intertwined with the management of the National Forests. The sense in local communities that they no longer have a voice in the decision-making process, and that the Federal lands that surround these communities have gone from being assets to being liabilities, has seriously undermined what for most of the Forest Service's great history has been its bedrock of political support.

The pendulum must be allowed to swing back to a more even balance, allowing local Forest Service managers a greater degree of flexibility in meeting local needs, and contributing to community goals for environmental, economic and social sustainability, within the general bounds of national-level law and policy. In order to rebuild the faith and trust of local communities, the Forest Service must be able to convince them to invest themselves in local decision making, and provide reasonable assurance that local Forest Service decisions that are not inconsistent with national-level law and policy will not be overturned in Washington.

The Forest Service has a golden opportunity today in its implementation of the new "fire strategy" for restoring burned areas and reducing hazardous fuel build-ups in high fire-risk communities. There will be a natural tendency to drive this from Washington, especially given the pressures brought on the Forest Service by Congress to show major accomplishments in a matter of months. But this is an critical opportunity to show that the Forest Service's talk of "collaborative stewardship" is more than lip service, that the agency understands the importance of bringing communities into the process at the beginning, where their considerations for long-term sustainability can be factored in. Through tested mechanisms such as land stewardship contracts, local communities can contribute to the Forest Service's accomplishment of the near-term objectives of the fire strategy. But this can also allow local communities to play a more direct and material role in contributing to the long-term stewardship of National Forests in a way that builds local capacity and contributes to their own environmental, social, and economic sustainability.

#### CONCLUSION

Various proposals for devolving the management of the National Forests (privatization, transfer to state governments) are unnecessary and a potentially huge political distraction from the real task at hand. Individual units of the National Forest System can remain part of the Federal system but still be given a greater degree of autonomy. For this to happen, however, there are a number of major questions to be addressed at the national policy level, perhaps in the context of some kind of bipartisan summit.

✿ How can legitimate public concerns for biodiversity conservation be addressed without

halting even routine land management decisions for months or years in order to complete ESA § 7 consultations?

- ✿ How can adequate opportunities be provided for public review of potential environmental consequences and independent review of administrative decisions in routine land management actions, without multiple layers of both administrative and judicial appeals requiring months or years to exhaust?
- ✿ Is the Forest Service's own internal administrative appeals process still fulfilling its original objective of providing avenues for forest users to obtain a relatively quick and inexpensive informal review of an administrative decision by the next higher official?
- ✿ If the rational-comprehensive planning approach inherent in RPA and NFMA has been shown through two decades of testing to not be effective, how can it be replaced with an alternative approach that reflects current thinking and approaches that have been demonstrated as effective in achieving national-level goals and objectives through decentralized decision making?

Thomas Jefferson was elected the first Republican president in 1796, propelled by concerns that the Federalists had centralized government to a degree that threatened to undermine the basic principles behind the American Revolution. His election was to bring about a "second revolution" to reverse the trend toward centralization and maintain community self-determination over most governmental decisions affecting their lives. After his election, the radicals accused him of reneging on the principles upon which he was  
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## Conference Center at Grey Towers Nearing Completion

With the August 2001 completion of the Grey Towers National Historic Landmark restoration in sight, the Pinchot Institute is expanding its campaign for private support to complete its new conference facilities at Grey Towers. This renovation and the improved conference facilities will allow the Institute to expand its conservation education and outreach programs, both regionally and nationally.

With grants from the Claneil Foundation and the Commonwealth of Pennsylvania, the Pinchot Institute is making progress towards its goal of \$2 million in private support. This will supplement up to \$18 million in funding from federal sources that is going into the historic restoration of the buildings and other physical facilities at Grey Towers. This restoration has given us a chance to greatly improve the usefulness of the Pinchot Institute's conference facilities, the first such opportunity since the Institute was dedicated at Grey Towers by President John F. Kennedy in 1963.

A significant challenge remains, however, in order to complete this work in time for Grey Towers' reopening for public use on August 11, 2001. The Institute is actively seeking additional support from foundations, private companies and individual donors, and there are naming opportunities for major donors to memorialize their commitment to conservation. In-kind contributions are welcome, especially those oppor-

tunities that further the educational and interpretive aspects of the conference center. For example, where ever possible, certified wood is being used in furnishing the new center as a way to promote a broader understanding of sustainable forestry practices.

The conference center at Grey Towers will enable the Pinchot Institute to continue Gifford Pinchot's legacy of helping to refine the idea of conservation to address evolving challenges. Renovated conference space will allow for workshops, seminars and lectures in Grey Towers' unique natural and historic setting. A key function of the Pinchot Institute is to facilitate thinking and dialogue among scientists, policy makers and stakeholders, resulting in new constructs for conservation and resource sustainability. By providing a stimulating environment for seminars with a multidisciplinary and nonpartisan approach, the Pinchot Institute at Grey Towers will continue to do just that.

For information on investing in this project, contact Lori McKean at (570) 296-9630 or Kendra Miller at (202) 797-6580 or at [kmiller@pinchot.org](mailto:kmiller@pinchot.org).



Grey Towers National Historic Monument

size multi-year, multi-task and results-oriented projects, can also be explored. Such contracts can be designed to expedite the accomplishments of near-term projects, while increasing the capacity of local community-based firms over time by encouraging capital investment and the development of an experienced, highly-skilled workforce. Finally, new partnerships can be forged to help defray the costs of implementation and planning and build networks of support for necessary work.

#### SUMMARY

As stated by the Forest Service in the public release of its new strategy, large wildfires will continue to occur despite focused efforts in planning and implementation. However by concentrating treatments where human communities, watersheds, and sensitive species are at the highest risk, the new strategy will likely reduce future losses and damage typically associated with wildland fires. Involving communities in these efforts will enhance the level of cooperation and trust between the agency and stakeholders; thereby improve the health of public lands and the communities that rely upon them. For more information, contact Andrea Bedell Loucks at (202) 939-3455 or at [andreabedell@pinchot.org](mailto:andreabedell@pinchot.org).

## Congress Authorizes 28 New Stewardship Contracting Pilot Projects

In the recently signed FY2001 Interior Appropriations Bill, Congress officially authorized the Forest Service to enter into 28 new stewardship and “end-results” contracts as part of its on-going pilot program (bringing the total to 56 projects, nationwide).

The Stewardship Contracting Pilot Program was originally established in 1997 as part of a major reinvention effort of the Forest Service. Shrinking federal budgets, reduced personnel and increased multi-purpose demands forced the Agency to re-think its procedures and management practices—slowly evolving into the concept of stewardship contracts. Operating initially under existing authorities, the Forest Service asked for a nomination of pilots designed to test new and innovative approaches to land/resource management through rural community development, improved financial accountability/efficiency, and collaborative stewardship. In 1998, Congress authorized the Forest Service to enter into 28 stewardship “end-results” demonstration contracts—expanding the existing authorities for selected demonstration projects as part of Sec. 347 of the FY99 Omnibus

Appropriations Act (P.L. 105-277). Specific new authorities tested in these pilots include: exchange of goods for services, retention of receipts, “best value” contracting, and designation of timber for cutting by prescription. As part of this authorization, Congress also required designated pilots to be monitored and evaluated on a multi-party basis, with annual reports submitted to Congress. According to the brief language provided in the FY Appropriations Bill, the new pilots are subject to the same terms and conditions as those established under Section 347 of the FY 1999 Omnibus Appropriations Act (P.L. 105-277).

As of yet, no projects have been selected to be a part of this new pilot effort and no timeline has been designated for selection and/or implementation. It should be noted, however, that language within the Interior Appropriations Bill does indicate that of the 28 new pilots, nine shall be located in Region 1 (Northern Region) and at least 3 will be located in Region 6 (Pacific Northwest). For more information, please contact Andrea Bedell Loucks (202) 939-3455 or at [andreabedell@pinchot.org](mailto:andreabedell@pinchot.org).

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elected. History indicates, however, that Jefferson was taking the time necessary to build a broad consensus for such change—broad enough to persuade many Federalists of the validity and efficacy of his approach.

There is an important lesson here for our new political leadership that will govern the conservation and sustainable management of America's

forests. There is an opportunity for building a broad consensus for national-level policies that conserve forests, protect biodiversity, and provide ample opportunities for public review of potential environmental consequences, while still affording local decision makers the flexibility to work out solutions that fit local conditions and local goals for environmental, social, and economic sustainability.

<sup>1</sup> A Vision for the U.S. Forest Service: Goals for Its Next Century, Roger A. Sedjo, ed. (Washington, DC: RFF Press, 2000), 273 pp.

<sup>2</sup> The Forest and Rangelands Renewable Resources Planning Act of 1974 (RPA), 16 USC 1600-1614.

<sup>3</sup> The National Forest Management Act of 1976 (NFMA), 16 USC 1600 (note).

<sup>4</sup> National Environmental Policy Act (NEPA), 42 USC 4321 (note).

<sup>5</sup> Endangered Species Act of 1973 (ESA), 16 USC 1531.

<sup>6</sup> 36 CFR Part 219.