

Sustainable Forestry on Tribal Lands, and the Legacy of Gifford Pinchot

V. Alaric Sample & Char Miller

As part of the Pinchot Institute's pilot study of certification on public lands (see story on page 1), forest practices on Native American tribal forests lands across the continent will be evaluated against the exacting standards of the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI). That so many of the tribal governments feel ready for their forest practices to undergo such examination is in itself a tribute to the progress that has been made in forestry on these lands. Down through history, timber rights were just one more area in which Native American treaty rights were often violated, often with impunity. Agencies of the Federal government charged with helping to protect these treaty rights, and to assist tribes with developing sound forest management practices, have their own history of ups and downs, and many tribal governments today have opted to manage their forests independently.

The Pinchot Institute is pleased to help facilitate a process whereby sound forest management practices on tribal lands receive the recognition they deserve, both in the public eye and in the forest sector marketplace. Where opportunities are found for improvements in existing practices, it is hoped that this will lead to the enhancement of the environmental, economic, cultural, and religious benefits to the tribes that come from good forest stewardship.

One of the stated goals of the Pinchot Institute is to "continue the legacy of Gifford Pinchot's conservation leadership," and in a somewhat ironic way the certification pilot study on tribal forest lands is doing just that. Gifford Pinchot had a lifelong concern for the management of

forests on tribal lands, and particularly for preventing abuse of these forests by unscrupulous timber buyers and government agents. Most people familiar with Pinchot's biography know that his first position as a professional forester after his return to the United States from forestry studies in Europe was at Biltmore, the western North Carolina estate of George W. Vanderbilt. What they may not know is that, in addition to preparing management plans for the forests on the Vanderbilt estate, Pinchot devoted much of his spare time to developing another management plan for Vanderbilt's indigenous neighbors, the Cherokee Nation.

SUSTAINABLE FORESTRY AS KEY TO HIGHER LIVING STANDARDS AND POLITICAL EMPOWERMENT

In early February, 1893, Pinchot tramped over a site the Cherokees owned, "about thirty-three thousand acres of mountain land, almost wholly covered with forest." As he wrote his father: "Parts of it are finer than any other deciduous woodland I have ever seen, and other parts of it, which I did not see, are said to be finer still." He was staggered by the size of some of the trees: the chest-high circumference of one Chestnut was 24'2"; Poplars measured up to 21', and a Red Oak was over 17'— "the largest tree of the kind I have ever seen." But disaster threatened this arboreal heaven. A local lumber agent had signed a contract with the Cherokee to cut the vast tract, and had been aided in the negotiations by "certain politicians who are anxious to handle the money." Pinchot was worried that this agent and his political contacts, to feather their nests, would clearcut the woods, leading to the Cherokees' impoverishment.¹

Conceding that "there is a great

deal of ripe timber on the land," Pinchot nonetheless considered it "a great pity" that the "rest of the forest should be more or less sacrificed to the removal of the small portion which ought rightly to be cut." Rather than sell the lumber in one fell swoop, "which would of course mean disastrous injury to the forest on account of the way lumbermen do their work," he proposed an alternative that would lead to the "permanent preservation of the forest and the enrichment of the Indians." Drawing on his European training and his recent practical experience at Biltmore, he suggested that the forest be divided roughly into thirty or forty sectors, "in one of which the cutting would be done each year. By the time the last section had been cut over, the younger trees left standing on the first section would be ready for market." But only if the lumber company selectively harvested the forest. "The success of this plan would depend very largely on the way the timber was handled. That is, extra care would be necessary in felling and getting out the logs, as well as in selecting the trees to fall. But the cost of such extra care, as the experiment at Biltmore has proved, is comparatively slight, while the difference which it makes in the future of the forest is enormous."²

Considerable too were the potential social ramifications of his plan. If adopted, it would insure that there "would be a constant annual revenue coming in to the Indians," simultaneously enhancing the material life of the tribe and reducing the "tax on the Government for their support." Just as "certain villages in Europe pay all their school and road taxes from the product of their forest, so it seems to me this band of fifteen hundred Indians might go far to pay for the necessary improvements about

their village by the rational handling of this magnificent forest." From such an outcome psychological benefits would also flow: the Cherokee would be "elevated by the influence of steady and responsible work," he wrote in the paternal language of nineteenth-century reform. Late-twentieth century forestry reformers might balk at the implicit condescension, but they should not mistake the larger thrust of Pinchot's argument. In imagining a scenario in which sustainable forestry, a rising standard of living, and political empowerment were inextricably linked, Pinchot had devised a way by which to enfranchise the Indian peoples of western North Carolina.³

EARLY FOREST SERVICE INVOLVEMENT IN FOREST MANAGEMENT ON TRIBAL LANDS

Nothing came of Pinchot's proposal; there is no evidence that he submitted it to the relevant local or national authorities, and, besides, he was outside the system of governance that determined the Cherokee's economic life. But once on the inside, once he had become the chief of the Bureau of Forestry in 1898, he dusted off his earlier plan, and began to articulate a policy in which forestry would grapple with the many needs of Native Americans. In the late 1890s, for instance, he became deeply involved in the creation of the first Minnesota National Forest. As with his earlier scheme in the North Carolina, the new forest was designed in part to halt political corruption that had led to the outright theft of Chippewa-owned timber and land, and the backroom deals that had robbed the Chippewa of their rightful profits.⁴

Such widespread fraudulence also led Pinchot to seek a closer relationship with the Indian Office in the Department of Interior; in 1908, as head of the Forest Service, he forged an alliance with the Office that had

control over 12,000,000 acres of forest containing timber whose worth Pinchot estimated was \$75,000,000. "No one in the Indian Office or on the ground was capable of handling these forests," he asserted, and the "result was what you might expect." Throughout the nation, Indian peoples "were being cheated right and left by contracts unduly favorable to the purchasers of Indian timber" or by the "failure of Indian Agents to enforce such contracts as they had." In addition, most forests were simply clear-cut, making for a tremendous loss of young growth that decreased the chances of natural regeneration; that there were no provisions for reforestation only made matters worse. But nothing struck him as more absurd and devastating than the story he had heard of an Indian Agent who had "sold for lumber the sugar bush upon which his Indians depended for their maple syrup." The Indian Office, he determined, had no sense either of conservative forestry or the social benefits that accrued from it.⁵

The Forest Service, by contrast, recognized that the connection between land management and political reform could produce substantial results. Eighteen months after inking a contract with Interior officials to handle the reservations' forests, the chief would boast that his agency had "saved large sums of money to the Indians, gave many of them profitable employment, and by the introduction of Forestry promised to make that employment permanent" These first steps would help those he considered to be the original conservationists, who once had handled natural resources with "foresight and intelligence," to do so again.⁶

His idea was never fully implemented: in 1909, Richard Ballinger, who recently had been appointed as Secretary of the Interior, put a halt to the working arrangement between the Forest Service and Indian Office,

a move that infuriated Pinchot; it proved to be one of the sources of the later Ballinger-Pinchot controversy that so devastated the Taft administration in 1910. Not for another twenty years, the chief forester believed, would the idea that Indian forests should be "handled not for the profit of political contractors, but for the lasting benefit of the Indians and the rest of us" regain political ascendance.⁷

The next 20 years were indeed a series of ups and downs for forest management on tribal lands. There were important attempts by the Department of the Interior's Indian Forest Service (IFS) to establish conservation and forestry on reservation lands. A central figure in these initiatives was J. P. Kinney, who served as director of the IFS from 1910-1933. But this period also witnessed the loss of millions of acres of tribal land through the well-intentioned but ill-fated allotment law. The Allotment Law had commanded that tribal lands be distributed to individual members of the community so as to transform "the Indian into a responsible, independent, self-supporting American citizen by the over-simple expedient of mandatorily applying to him the individualistic land tenure of the nineteenth-century white American." The consequences were devastating, indeed the exact opposite of the stated purpose of the allotment law: with the loss of more than 63 million acres, "much of it the best" once under their control, the Indian peoples had become "landless," deprived "in large measure, of their chief means of support without substituting any other means in its place." A miserable failure, the allotment policy demonstrated just how "dangerous it is to try to solve problems by theories not soundly based on the facts of life and nature."⁸

Repairing this damage required a new approach and a different set of assumptions. A new chief of the

Indian Forest Service, Robert Marshall, and his special advisor Ward Shepard—both veteran foresters of the U.S. Forest Service—proposed to consolidate or restore as much land as possible to communal ownership, utilizing land exchanges, purchase, and, where possible, relinquishment of allotments. This dramatic shift in land tenure on the reservations would be combined with ongoing training in the management of forested lands. The authors envisioned a harvesting system much as Pinchot had forty years earlier, in which “a light selection method of cutting” would be employed, one that would remove “not more than fifty per cent of the volume of the stand.” This would leave “sufficient growing stock to make it profitable to return for at least one and perhaps several additional cuttings before the end of the rotation.” And, again like Pinchot, they believed that such a logging strategy would work for the forest and for the people who depended on it: “The operation will...bring to the Indians the power to manage their own affairs and the self-respect which such power insures.”⁹

SUSTAINABLE FORESTRY LINKAGES TO THE RIGHTS OF INDIGENOUS PEOPLES

The definition of sustainable forest management that is now evolving requires meeting three conditions simultaneously; it must be ecologically sound, economically viable, and socially responsible. This blend is essential to insure the success of a more ecologically sound approach to land management, and reflects a difficult lesson that environmentalists learned at the end of the twentieth-century in developing countries around the world—that it is impossible to secure “long-term protection of forest ecosystems without incorporating the economic and social needs of the local people into conservation strategies.”¹⁰ Forestry

and foresters must be as concerned with the development of sustainable communities as with sustaining the land, the two being inextricably intertwined parts of a whole.

That characteristic of sustainability is vividly captured in the Principles and Criteria adopted by the Forest Stewardship Council (FSC). FSC is an independent and international organization whose membership since its founding in 1993 has covered a broad spectrum of interest groups, including environmentalists and foresters, representatives from indigenous peoples organizations and timber companies, as well as those involved in forest product certification. To secure the FSC's independent certification of forest products as produced on lands managed according to a set of environmental, social, and economic standards, producers must adopt and demonstrate their adherence to the prescribed rules. This entails, for example, complying with all applicable laws, establishing “long-term tenure and use rights” to the affected land, enhancing “long-term social and economic well-being of forest workers and communities,” conserving biological diversity, and maintaining sites of “major environmental, social, or cultural significance.”

Of particular note, given some foresters' concerns in the past about links between exploitative commercial development and social oppression, is FSC's third principle—the “Indigenous Peoples' Rights.” Those organizations' desiring FSC sanction must recognize and respect the “legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources...,” which includes accepting that indigenous peoples “shall control forest management on their lands and territories unless they delegate control with free and informed consent to other agencies”; additional constraints involve the adoption of a forest management regime

that “shall not threaten or diminish, either directly or indirectly, the resources or tenure rights of indigenous peoples,” protects sites “of special cultural, ecological, economic or religious significance,” and compensates indigenous peoples “for the application of their traditional knowledge regarding the use of forest species or management systems in forest operations.” Through economic incentives and moral suasion, FSC hopes to empower historically disadvantaged peoples, restore devastated woodlands, and develop a greener marketplace for forest resources.¹¹

CONCLUSION

Gifford Pinchot assisted the Cherokee peoples of western North Carolina in the development of their forest management plan in 1893 because he believed that sustainable forestry, a rising standard of living, and political empowerment were inextricably linked. Despite myriad difficulties along the way, the 20th century saw sustainable forestry become one key to the enfranchisement of many tribal nations that earlier had been disenfranchised, in part, by the unscrupulous exploitation of their forest resources. The participation of many of these tribal nations in the Pinchot Institute's certification pilot study is likely to demonstrate not only the progress these tribes have made in terms of sound forest stewardship, but also in terms of self-determination and independence.

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¹ Gifford Pinchot to James W. Pinchot, February 8, 1893, in Gifford Pinchot Papers, Library of Congress.

² Ibid.

³ Ibid.

⁴ E. J. Carlson, "The Cherokee Indian Forest of the Appalachian Region," *Journal of Forestry*, September 1953, p. 628-30.

⁵ Pinchot, *Breaking New Ground*, p. 411-12.

⁶ Ibid., p. 24-25; 412.

⁷ Ibid., p. 412.

⁸ John W. Collier, Ward Shepard, and Robert Marshall, "The Indians and Their Lands," *Journal of Forestry*, August 1933, p. 905-06.

⁹ Ibid., p. 909.

¹⁰ H. H. Chapman, "The Responsibilities of the Profession of Forestry in the Present Situation," *Journal of Forestry*, March 1935, p. 204-210; V. Alaric Sample and Roger Sedjo, "Sustainability in Forest Management: An Evolving Concept," *International Advances in Economic Research*, 1996, 2(2), p. 171.

¹¹ Forest Stewardship Council, "Principles and Criteria for Natural Forest Management," *Journal of Forestry*, February 1995, p. 15. See also its website: http://www.fscus.org/about_fsc/general-info.html

Kendra Miller Creating New Opportunities to Support the Pinchot Institute

In November, Kendra D. Miller was named Director of Development for the Pinchot Institute and quickly went to work to expand opportunities for individuals to become more involved in the work of the Institute and to support its efforts to promote conservation and stewardship of our forests. Kendra will work to expand the Institute's Associates program to reach out to a broader cross-section of individuals who will receive notices of new Pinchot Institute reports and publications, and be notified about opportunities to participate in the Institute's workshops and seminars. Support from individuals is critically important to the Institute's conservation education and outreach activities, and for providing student opportunities through internships and fellowships at the Institute. Year-end annual gifts by individuals and workplace giving programs such as the Combined Federal Campaign are key to this effort, and Kendra will be working to inform others about this important opportunity to



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support the Pinchot Institute. Finally, Kendra will be developing new and creative mechanisms to respond to the growing interest in gifts and bequests to help ensure the longer term success and effectiveness of the Institute. Updated information on opportunities to support the Institute can be found on the Web at www.pinchot.org, or by calling Kendra Miller at (202) 797-6580.

BECOME A PINCHOT INSTITUTE ASSOCIATE

The Pinchot Institute is pressing continuously toward a vision of well managed forests, providing a full array of resource values and ecological services, and sustaining both natural and human communities. Through policy research, education, and technical assistance, the Pinchot Institute is continuing Gifford Pinchot's legacy of conservation leadership, promoting the protection and management of forests "for the greatest good, for the greatest number, in the long run."

You can be part of this continuing legacy by becoming a Pinchot Institute Associate. Your tax-deductible contribution of \$100 or more provides critical support for the programs of the Pinchot Institute, and also brings you news of these activities through *The Pinchot Letter*, new releases of Pinchot Institute policy reports and discussion papers, and notices of upcoming Pinchot Institute workshops, seminars, and conferences of interest. Without the benefit of an endowment to provide current operating support, annual contributions help make it possible for the Pinchot Institute to continue serving as a source of timely, factual information in support of improved forest conservation.

You can also become an Associate through your Combined Federal Campaign contribution to the Pinchot Institute (CFC #1010). If you would like more information about contributing to the Pinchot Institute through CFC, please contact Kendra Miller at (202) 797-6580 or at kmiller@pinchot.org.

