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THE NATIONAL FOREST MANAGEMENT ACT IN A CHANGING SOCIETY 1976-1996

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CAN MANAGERS ADAPT TO NEW RELATIONSHIPS
AND ROLES UNDER NFMA?

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Natural Resources Law Center
University of Colorado
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Can Managers Adapt to New Relationships and Roles Under NFMA?

By Elizabeth Estill

I. Summary

Planning for national forests and grasslands has been directly correlated to the relative scarcity of natural resources. When a small population base competed for the nation's natural resource heritage, little planning, little regulation, little legal framework was needed. As population has grown, the constant (actually, reducing) resource pie has been cut into ever smaller pieces to satisfy increasing demands. The National Forest Management Act sought to resolve conflicts over national forests and ease the work of forest managers. Its actual effect has often been to heighten conflicts at local levels and further fragment agency attention and resources. Serious thought needs to be directed to how we work within the framework NFMA provides, particularly in the areas of information, analysis, decision making, and costs. Making the laws and regulations work for us is a daunting challenge.

I. An Historic Context of National Forest Management

A. Congress created the Forest Service out of a largely empty landscape.

1. A purpose of the Forest Service was to fill the landscape.
2. Resources were abundant; people, outside a few population centers, were relatively scarce.
3. Legal and administrative landscape was also relatively empty.

B. Forest managers emerged from a common heritage.

1. Forestry schools instructed a curriculum based on the utilitarian ethic.
2. Young foresters rose through the ranks sharing similar experiences with similarly minded peers and leaders.
3. Forest Service leadership was a monoculture of cloned technical managers.

C. Legal framework reflected abundant resources.

1. The Organic Administration Act of 1897 established the basis for inventorying and managing these lands.
2. A small handbook, known as the Use Book, represented the agency's primary regulatory guidance to managers.
3. Little need for an appeals process when issues were centered on "how to ..." questions rather than fundamental disagreement with the agency's mission or sense of mission.

II. The National Forest Management Act of 1976: A review of Senator Humphrey's hope to resolve controversies and disputes over the national forests

A. Management driven by a problem-solving based planning process.

1. Address local public issues and concerns within the context of agency goals and objectives.
2. Controversial planning model (FORPLAN) regards timber management as the key activity in the forest.
3. The planning process became the product.

B. The near-term results

1. Planning expected to cost \$100 million and take five years eventually cost \$2 billion over a time span of more than 10 years.
2. Because of the lengthy time and mid-process changes, a number of plans were obsolete before they were released and we have not kept up with amendments.
3. Instead of resolving disputes, many plans had a lightning rod effect; nearly every plan was appealed, many had multiple appeals.
4. The notion of only one or two "gates" for public participation was a mistake.
4. The best we seem to have done is inventory.

III. Central themes emerge for critical analysis.

A. Has all this inventory emphasis brought us data or information?

1. Need to get information at appropriate levels and communicate it well.
2. Use the information to help us make better decisions.
3. Beware the temptation to bullet-proof decisions with data.

B. The body of resource and conservation law represents a rapidly proliferating body of un-funded mandates.

1. New legislative good ideas rarely come with additional funding.
2. Managers increasingly must decide which laws and regulations to follow and which to disregard (break).
3. Laws themselves are unclear; judicial clarification often makes matters worse.
4. Chief admonishes us to tell the truth and obey the law; to tell the truth, we don't have adequate resources to obey all the laws.
5. Budgets drive decisions harder than opportunities.
6. Seizing opportunities may actually result in disregarding (breaking) more laws.

C. NEPA presents a choice for decision making.

1. Public involvement processes can support decentralized decision making.
2. While protecting local decision making, we need to think differently about scale, scarcity, and shifting demands.
3. Assure that we are vigilant to work for public participation, not public consultation.
4. Be vigilant against contrary effects of the Federal Advisory Committee Act.

D. How do we fit planning into the role of managing forests and grasslands?

1. The planning process can be a voracious consumer of time and resources.
2. Often willing to do work in the name of "the plan" that otherwise would not rate a priority.
3. Get plans off bookshelves and into the hands of people and managers.
4. Take advantage of accepted video and digital communications networks.
5. Answer the "so what" question with public-supported (participatory) monitoring and evaluation.
6. Address the changes occurring in our culture, in our communities.

IV. Conclusion.

A. Yes, managers can adapt; adaptation has, itself, generated new relationships and roles.

1. We have moved from dealing with resource issues to dealing with the limits of resources and how people feel about them.

2. NFMA forces a bridge between resource managers and the values of consumers, customers, and critics.

B. Complexity adds an additional dimension.

1. People, desires, and means of expression grow more complex daily.

2. There has been a literal ZOOM in the information resource managers must consider.

3. Sorting through complexity moves technical managers outside resources, into relationships, then on into entirely new relationships.

4. Much of the growth industry in conflict resolution can be traced to NFMA centered issues and opportunities.

C. NFMA is fundamentally sound.

1. We may have slipped, or been tripped, along the way.

2. We need to come to grips with increasingly rigorous court decisions that have moved planning into a voluminous, encyclopedic review of every aspect of a forest.

3. We need to get from process to outcomes if we are to evaluate the effectiveness of our work.

5. We need to help people who care about natural resources move to the more ecologically sustainable positions of interdependence and responsibility.