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Discussion Paper: Public Lands Communities

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Natural Resources Law Center

University of Colorado School of Law

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PUBLIC LANDS COMMUNITIES**

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PREFACE

The Natural Resources Law Center was established at the University of Colorado School of Law in 1982. Its primary goal is to promote the wise use of natural resources through improved understanding of natural resource issues. The Center pursues this goal through three program areas: research, public education, and visitors.

In January of 1993, the Natural Resources Law Center convened a workshop of approximately 30 public lands experts to discuss priority issues in western lands and resources and to develop an agenda for the Center's new Western Lands Program. In preparation for this workshop, Center staff prepared five discussion papers, each dealing with a broad theme critical to the future of public lands policy. This discussion paper reflects the valuable comments received from workshop participants.

The following individuals attended the Western Lands Workshop in Boulder: Michael Anderson, Sarah Bates, Richard Behan, Ralph Benson, Melinda Bruce, Jo Clark, Robert Davis, Dennis Donald, Sally Fairfax, Maggie Fox, David Getches, Frank Gregg, Martha Hahn, Gary Holthaus, Ken Hubbard, Robert Keiter, Ed Lewis, Dan Luecke, Lawrence MacDonnell, Daniel Magraw, Guy Martin, Jim Martin, Jerry Muys, Robert Nelson, Jim Noteboom, Randal O'Toole, Teresa Rice, Hal Salwasser, Debbie Sease, Karin Sheldon, John Wilkes, and Charles Wilkinson. Their enthusiastic participation and assistance with the preparation of these papers is greatly appreciated.

These are discussion papers, intended to inform and to stimulate thinking about policies for the western public lands. We welcome and encourage your comments and participation in an ongoing dialogue intended to facilitate improvement in these policies that are so important to the West and the United States.

INTRODUCTION

Apart from family, the community is the fundamental organizational unit of human society. A community may be defined as a group of people that share an idea of their place in the world. People living close to one another in a defined geographic area are part of a community, but the concept also includes people who share "cultural space."¹ Thus, "there are many expressions of community in American society,"² and "[m]ost people feel a sense of belonging to several different communities."³ Each of us defines our identity, at least in part, based on our association with a community.

The western public lands define numerous human communities. Ranging from farmers and ranchers throughout the region and fly-fishers throughout the nation (communities defined by shared interests) to people living near one another in watersheds, Indian reservations, and urban areas (geographic and cultural communities), these many communities share a strong interest in government policies and management decisions affecting the public lands. This paper focuses on the communities of people defined by geographic boundaries (referred to here as "public land communities" to indicate their proximity to federally-managed public lands), but it draws upon the broader concept of communities to illustrate the fact that there are overlapping, shared interests among the many communities associated with the region. This discussion addresses the historical connection between public lands and western communities, describes the evolution of policy in one agency -- the Forest Service -- from protecting "community stability" to encouraging economic diversification and sustainability, and examines emerging efforts by non-governmental organizations to facilitate this transition.

An expanded version of this paper appears in the Spring 1993 issue of the *Public Land Law Review*, published by the University of Montana School of Law. Readers interested in obtaining detailed references to the points made in this paper should look to that source.

¹Robert G. Lee, Community Stability: Symbol or Social Reality?, in Community Stability in Forest-Based Economies 36-37 (Dennis C. Le Master and John H. Beuter eds., 1987).

²Id. at 37-38.

³Galen Schuler and Richard Gardner, Pacific Northwest Strategy: Community Development Guide, Pacific Northwest Region, U.S. Forest Service 4 (draft, 1990).

WHAT IS A COMMUNITY?

Foresters, biologists, range scientists, and other natural resources managers are trained to think of non-human communities in terms of the relationships of plants and animals that typically occur together; they think of spatial arrangements that include characteristic plant species and the animals that depend on them for food and cover. It is not surprising, then, that public land managers have viewed human communities with a similar perspective: to them, a community is a group of people living in proximity to one another in a defined area. Thus, in the traditional public lands context, communities are towns or counties, and can be delineated by geographic boundaries. Federal policies were designed to protect certain rural communities from disruptive changes in income by maintaining continuous timber harvest on adjacent national forest lands. Federal land management agencies employ community development specialists and offer financial assistance to aid towns and counties traditionally dependent on natural resources development. The focus is on the geographically-defined community.

There is a great deal of sense in this traditional understanding of communities. Geographic proximity fosters a sense of community, a common identity, and (to a limited extent) shared values. Thus, it is perfectly reasonable to speak of the community of the Deschutes River basin in Oregon, which includes people living in the growing city of Bend, the small town of Maupin, the Warm Springs Indian Reservation, and all the other human settlements and outlying areas within the basin. Within these boundaries, most residents identify to some extent with their surroundings, particularly the Deschutes River. In turn, each of the settlements within the basin is a community of its own, with its own sources of identity.

Yet there is another sort of community that one encounters in an area such as the Deschutes River basin. Its identity may be announced by bumper stickers proclaiming support for a proposed wilderness area, opposition to government-imposed restrictions on boating use of the popular river, or affiliation with a national or regional environmental organization. Community members do not necessarily live in the basin; they may be residents of Portland, San Francisco, or someplace farther away. Yet they identify with the basin, they share a set of common beliefs, and they occasionally join

together in response to perceived threats to their interests. The geographic definition of community is simply inadequate to describe the complex relationships among the many individuals who share interests in the natural resources that occur on public lands.

The literature of sociology offers more inclusive definitions that provide a useful framework for considering the many communities of people affected by public lands decisions. In addition to geographic communities (those defined by fixed boundaries, usually based on political boundaries such as city limits or county lines), sociologists describe communities defined by regular, sustained interactions of people who live in the same general area (for example, a group of people belonging to the same church or civic organization) and communities defined by a shared sense of identity, regardless of geographic location. This includes people who work in an especially cohesive field (an "occupational community," such as loggers⁴) and people who share concerns about a particular issue (a "community of interests," such as members of Trout Unlimited). These definitions recognize social as well as geographic associations that define communities, criteria that identify who is "in" and who is "out."⁵

Communities may also be viewed as "institutions of governance" -- the way people try to live together (in the broadest sense of living together in society, not simply residing in physical proximity to one another) in mutually acceptable ways.⁶ According to one expression of this concept, a group of people is not automatically a community simply because they share certain interests, but they may achieve that status by "participating in decisions that affect them, by respecting diversity of opinions and thought, and by sharing a collective responsibility of caring for the land."⁷ This concept demands civic

⁴This occupational community was the subject of Matthew Carroll's Ph.D. dissertation. Matthew S. Carroll, Community and the Northwestern Logger (University of Washington, 1984).

⁵Lee, supra note 1 at 37.

⁶Margaret A. Shannon, Community Governance: An Enduring Institution of Democracy, in U.S. House of Representatives, Committee on Interior and Insular Affairs, Multiple Use and Sustained Yield: Changing Philosophies for Federal Land Management?: The Proceedings of a Workshop Convened on March 5-6, 1992, Washington, D.C., by the Library of Congress Congressional Research Service 219 (Comm. Print, Dec. 1992).

⁷U.S. Forest Service, Rocky Mountain Region Guide iii (May 1992) (hereinafter "Region Guide").

participation and, in return, offers the reward of having a meaningful say in public land decisions.

These broader definitions suggest ways for public land managers to rethink their assumptions about communities. Definitions are not prescriptions for solving problems, but they serve several useful purposes. First, they help illuminate the assumptions under which agencies or others are operating. Second, they can encourage more inclusive thinking by drawing in concepts that might not have been included otherwise. And, third, a good discussion about definitions and vocabulary can help establish common ground for substantive discussions to follow. In the field of public lands policy (as elsewhere), examining assumptions, thinking inclusively, and seeking common ground are all worthy objectives.

WHY LOOK AT PUBLIC LAND COMMUNITIES?

The history of western public lands is linked inextricably with that of the human settlements in the region. Towns such as Cody, Wyoming and Creede, Colorado met the needs of miners, farmers, and others who arrived to seek the bounty of the public domain. Similarly fueled by immigration into the region, cities such as Denver and Salt Lake City grew at the crossroads of railroad lines and westward trails. Today, the economic well-being of public land communities depends on activities that take place on nearby public lands, including extractive-type commodity production (logging, grazing, mining) and amenity-dependent recreational uses. As a recent Forest Service economic assessment for the Rocky Mountain region concluded, "national forests and grasslands provide key settings and resources for generating income and providing employment to local economies."⁸ In other words, the human settlements in this region depend on the land and resources adjacent to them. Conversely, Ed Marston argues that the well-being of the land and resources of the region depend upon the vitality of these communities:

No matter what, protection of the land requires healthier local communities. Education, the growth of citizen reform movements, and

⁸U.S. Forest Service, Rocky Mountain Region Economic Diversity and Dependency Assessment 183 (April 1992) (hereinafter "Economic Assessment").

creation of competent local and regional media are long-term, slowly accomplished tasks, but they are the only ways to get the job done. We must take this long, hard road because it is the only way to make better communities, and we can't hold the land without the communities.⁹

In many instances, public land communities have suffered from cycles of "boom and bust" because their economies have revolved around production of a single resource such as gold, oil, or timber. The Forest Service's Rocky Mountain economic assessment estimated that rural western communities are not well diversified.¹⁰ A town's near-total reliance on a single source of employment and income can be dangerous: when commodity prices fall or industrial conditions change, a large proportion of the town's population may suddenly be unemployed, and other businesses may suffer from the loss of income.

The Colorado town of Kremmling illustrates the risks of relying on a single industry. For 50 years a lumber mill was a dominant presence in Kremmling. The company managing it in recent years, Louisiana-Pacific (L-P) employed as many as 110 workers and supported approximately 100 contract loggers -- thus directly providing wages to nearly 20% of Kremmling's 1,100 residents. Many others depended on the income generated from L-P's waferboard plant and spent locally for services and retail goods. The company closed the plant on December 31, 1991, threatening to send the town's economy into a tailspin. Workers left to find jobs elsewhere, property values dropped, and the community went into a "grieving period," according to one observer. Fortunately for Kremmling's economy, the market for locally-grown hay remained strong and the region's recreation industry was growing rapidly. Still, the mill closure was a serious blow.

Another characteristic of rural communities surrounded by public lands is a heavy reliance on exports of natural resources, with very limited value-added manufacturing. The Forest Service's economic assessment noted that rural areas in the Rocky Mountain region "have lost the additional income that could be generated through further local

⁹Ed Marston, *Afterword*, in *Reopening the Western Frontier* 311 (Ed Marston, ed. 1989).

¹⁰U.S. Forest Service, *Economic Assessment*, *supra* note 8 at 180.

manufacturing or processing."¹¹ Economist Dan Whipple refers to this pattern when he calls the Northern Rockies a "supply region," in which raw materials are produced and exported to distant cities and finished products are imported.¹² He points out that even beef (about as "western" a product as there is) is an import in the West, as the region exports cattle to midwestern stockyards for fattening and processing, and then imports the finished product for retail sale.¹³

Despite an historical dependence on resource extraction and export, western rural communities are increasingly seeing opportunities for economic benefit from recreation and tourism. Local leaders and public land managers may not be aware that the national forests and BLM lands are generating more value to local communities from these activities than from traditional commodity uses.¹⁴ The transition to a service-oriented economy can be difficult, as demonstrated by the perceived loss of community in recreation boom towns such as Aspen, Colorado, where one observer notes that locals "often treat the 'turkeys' (their meal tickets) with barely concealed contempt, and their own civic life is consequently coarsened."¹⁵ Nonetheless, researchers at the Center for Recreation and Tourism Development at the University of Colorado conclude that rural community tourism can help diversify local economies and maintain a high level of satisfaction with community life.¹⁶

¹¹Id. at 2.

¹²Dan Whipple, Get a Job: What We Can Do (and What We Can't) About Making a Living in the Rockies, Northern Lights 10 (May/June 1985).

¹³Id.

¹⁴See Ray Rasker, Norma Tirrell, and Deanne Kloepfer, The Wealth of Nature: New Economic Realities in the Yellowstone Region, The Wilderness Society (1992). "Federal land managers . . . who administer the largest portion of [the Greater Yellowstone] ecosystem, still emphasize commodity production (largely subsidized by taxpayers). Today, this management strategy threatens to undermine the region's emerging amenity-based prosperity." Id. at i.

¹⁵Pamela Zoline, The Town Without a Bellvache, Northern Lights 15 (Oct. 1988).

¹⁶See Patrick T. Long, Tourism -- On Our Terms: Rural Community Tourism Development Impacts and Policies, report prepared for the Western Governors' Association (June 1991).

Clearly, the fortunes and futures of public land communities are highly dependent on the lands and resources on nearby federally-managed public lands. Federal policies and management decisions are amplified when they affect the dominant source of income of a lumber town or grazing community. Some public land communities have reacted by passing their own land use plans that purport to control federal land managers' actions. A plan proposed in Oneida County, Idaho, for example, sets forth local policies on land disposition, water resources, agriculture, timber and wood products, cultural resources, recreation, wildlife, wilderness, wetlands, mineral resources, cultural traditions, access and transportation, and monitoring and compliance.¹⁷ The county is considering ordinances that would adopt as local law the federal Civil Rights Act and the Public Rangelands Improvement Act and purport to hold liable any federal official that violates the county ordinances. Similarly, a county ordinance in Catron County, New Mexico would authorize the local sheriff to arrest the forest ranger for "arbitrarily" reducing a rancher's cattle on public rangelands.¹⁸ While these kinds of ordinances are unlikely to survive judicial application of the Supremacy Clause, the "county rights" movement illustrates the depth of concern over the control of western lands. Moreover, the proponents of these ordinances have argued persuasively for cooperative, coordinated approaches to public land management.

Just as the towns and industries historically dependent on public land resources are evolving and asserting new demands for participation in land management decisions, so too are the many communities of interest seeking better representation. Recalling the earlier definitions of community, it is easy to imagine that an individual might be affiliated with numerous different communities -- based on concerns for the clean water and healthy fish population in a favorite stream, access to public lands, and the promise of economic opportunities in the future. These demands have found support among

¹⁷Oneida County Interim Land Use Policy Plan. This plan has received preliminary approval, but has not yet been formally adopted by Oneida County. Conversation with Rick Brazell, District Ranger, Malad Ranger District, Idaho (Feb. 20, 1993).

¹⁸Florence Williams, Sagebrush Rebellion II: Some Rural Counties Seek to Influence Federal Land Use 24 High Country News 1 (Feb. 24, 1992).

public lands observers and commentators. The comprehensive report produced by the congressionally-appointed Public Land Law Review Commission in 1970 called for recognition of a broad array of interests in public lands decisions:

We believe the appropriate range of representation includes not just the obvious direct interests, such as grazing, recreation, mining, fish and wildlife, and wilderness, but the professor, the laborer, the townsman, the environmentalist and the poet as well.¹⁹

Echoing this sentiment, University of Montana economist Tom Power advocates the inclusion of all members of affected communities in local economic decisions:

Citizens learning new skills, environmentalists working for clean air and water, artists seeking attention for their work, school boards wanting support for their schools and neighbors protecting the integrity of their communities are as relevant to economic activity as mining firms and haberdasheries.²⁰

Perhaps the greatest challenge is not in naming all the potential participants in public lands decisions, but rather in figuring out how these diverse interests can play a meaningful role in determining and carrying out public policy. Public land management has increasingly included a role for public participation, as evidenced by the planning provisions in the National Forest Management Act²¹ and the Federal Land Policy and Management Act,²² and the environmental impact statement requirement in the National Environmental Policy Act.²³ By mandating public participation, Congress has recognized the role of these communities of people who share concerns for the public lands. Yet, in many instances, the typical public hearing is structured to discourage the kind of dialogue necessary to reach consensus. While there is plenty of opportunity to

¹⁹U.S. Public Land Law Review Commission, One Third of the Nation's Land 289 (1970).

²⁰Tom Power, A Classic Mistake: The Failure of Rocky Mountain Economies, *Northern Lights* 16 (May/June 1985).

²¹16 U.S.C. § 1604.

²²43 U.S.C. § 1701 et seq.

²³42 U.S.C. § 4321 et seq.

Speak and submit written comments, members of the public may feel that their opinions are little more than chits on a tally sheet:

Just try to argue with your forester today. No matter what outrageous thing you say, he "appreciates your concern" and is "glad to have your input." But he isn't listening, he's counting. Your conversation "proves" that the planning process is functioning. But the public is not placated.²⁴

Conversely, it appears that those participating in public hearings have no obligation to listen to one another and attempt to find common ground:

A visitor from another planet might reasonably expect that at a public hearing there would be a public, not only speaking to itself but also hearing itself. Public hearing, in this sense, would be part of an honest conversation which the public holds with itself. But that almost never happens. . . . The parties in conflict at a public hearing are not encumbered by any responsibility for hearing each other, for responding to each other, for coming to an agreement about what should be done.²⁵

The subsequent discussion explores some of the emerging ideas about how to ensure more meaningful public discourse and thus build stronger communities. First, however, it is necessary to understand public lands agencies' perceptions of communities.

ONE AGENCY'S EXPERIENCE WITH PUBLIC LANDS COMMUNITIES

The Forest Service has long been aware of the link between rural communities and western public lands. In the early years of public land conservation and management, a Forest Service policy of protecting the economic bases of public land communities became known as "community stability." Over time, this concept lost any practical definition; it now appears to have been discarded in favor of a policy of rural economic development. This section traces the rise and fall of community stability, the emergence of new community-oriented approaches, and experiments with sustainability in public land communities.

²⁴William O. McLarney, Forest Planning: Voices Unheard, *American Forests*, 14 (May/June 1989).

²⁵Daniel Kemmis, Community and the Politics of Place 53, 56 (1990).

Community Stability as a Management Objective

The federal government began setting aside forest reserves in the 1890s, largely in response to abusive timber practices on public and private lands in the eastern and upper midwestern states in the nineteenth century. Among the most egregious practices was a tendency of timber companies to "cut out and get out," denuding an area of timber in as short a time as possible, then closing the local mill when the resources gave out. By regulating timber harvest on the public forest reserves, the government hoped to ensure more stable timber-dependent communities. When the Forest Service was created in 1905 to manage the national forest system, the agency inherited an objective of maintaining the integrity of small, resource-dependent communities. Thus, the origin of community stability was tied to restrictions on private access to public timber. Eventually the agency grew to believe that the only way to provide for stable economic conditions for local communities was to provide a continuous supply of timber stumpage to local mills, and the sustained yield management concept came to be tied closely to community stability in Forest Service policy.

Although there were precursors, the most explicit statutory recognition of the community stability concept was in the Sustained Yield Forest Management Act of 1944.²⁶ The statute was intended to "promote the stability of forest industries, of employment, of communities and taxable forest wealth, through continuous supply of timber."²⁷ The Act authorized the Secretary of Agriculture to establish sustained yield forest management units, either entirely on federal land or as coordinated units including private lands, in order to allow the sale of timber locally without the usual competitive bidding. Few such units were established, and the hoped-for coordination did not occur; the last federal sustained yield unit was established in 1949, and it has since been terminated.²⁸ The Secretary of Agriculture announced in 1953 that no new sustained

²⁶Act of March 29, 1944, ch. 146, 58 Stat. 132 (1944).

²⁷*Id.* at § 1.

²⁸Con H. Schallau and Richard M. Alston, The Commitment to Community Stability: A Policy or Shibboleth?, 17 *Env'tl L.* 429, 440-441, n.41 (1987).

yield units would be established, although existing units would be continued.²⁹ As George Coggins observes, the 1944 Act "had a short life and limited application."³⁰ Nonetheless, its expression of support for community stability as a management objective was influential.

Outside of the limited number of sustained yield units, the Forest Service policy of community stability provided a more general mandate for continuation or acceleration of timber harvest practices. This policy became important after World War II, when the nation's demands for wood products jumped dramatically and private companies turned to the national forest for additional supplies. "As local economies adjusted to higher levels of national forest timber supplies," writes Forest Service economist John DeVilbiss, "the perception developed that 'community stability' required these harvest levels to be maintained at higher and higher levels."³¹ By the 1960s and 1970s, when scientists and members of the public began to question public timber harvest levels, the Forest Service relied upon the need for community stability as justification for not reducing the harvest; the agency interpreted the policy to require maintaining timber harvest levels equal to or greater than historical levels.³²

In short, the Forest Service interpreted community stability narrowly, focusing on "economic dependency on timber" rather than the benefits to communities of all forest-related resources, including recreation, watershed protection, grazing, and minerals extraction. With the passage of the Multiple Use-Sustained Yield Act of 1960,³³ which

²⁹*Id.* at 442.

³⁰George Cameron Coggins, Public Natural Resources Law § 16.01[1] (1990).

³¹John DeVilbiss, Community Stability and Rural Development in the Forest Service 2 (unpublished manuscript).

³²*Id.* at 3, 5.

³³Pub. L. 86-517, 74 Stat. 215.

articulated a broader range of objectives for which national forests were to be managed,³⁴ the stage was set for a challenge to the community stability paradigm.

Community Stability Under Fire

Community stability was long based on questionable assumptions, as articulated by Samuel Dana and Sally Fairfax:

[The Forest Service] analysis assumes, first, that stability is an accepted goal, as opposed to, for example, growth, diversification, or reorientation of a community's economic base; second, that the Forest Service has a mandate and a capacity to contribute to that goal; and, third, that even flows of timber volumes from federal lands contribute to that goal. None of these assumptions -- the validity of the goal, the mandate, or the capacity to achieve it -- is broadly accepted as a working assumption.³⁵

Economists in the 1960s and 1970s "pointed to the ill-defined nature of community stability and . . . questioned the linkage of sustained yield to the stability of logging towns."³⁶ By the 1980s and early 1990s, commentators were routinely criticizing the policy. For example, economist Con Schallau wrote, in 1989, that "sustained yield of timber from national forests cannot ensure community stability."³⁷ In a 1991 article, three researchers (including one from the Forest Service and one from the Department of Agriculture's Economic Research Service) observed that: "It is clear that the self-image of many rural communities in the West depends on the wood products industry, but it is unclear whether such communities are similarly economically dependent on even

³⁴The Act specified the five basic uses of national forest as including outdoor recreation, range, timber, watershed, and wildlife and fish. The National Forest Management Act of 1976, Pub. L. No. 94-588, 90 Stat. 2949 (1976), codified at 16 U.S.C. § 1600 et seq., affirmed multiple use-sustained yield as the basis for national forest planning and management.

³⁵Samuel T. Dana & Sally K. Fairfax, Forest and Range Policy: Its Development in the United States 332 (2d ed. 1980).

³⁶Carroll, supra note 4 at 4.

³⁷Con H. Schallau, Sustained Yield Versus Community Stability: An Unfortunate Wedding?, 87 *Journal of Forestry* 16, 20 (Sep. 1989).

flows of Forest Service Timber."³⁸ More directly, a paper presented at a national conference on "Community Stability in Forest-Based Economies" concluded simply that: "Politically, community stability has been a figleaf to conceal the agency's pro-industry bias."³⁹

The Forest Service's internal conflict over community stability as a management objective is illustrated by the fate of the 1983 Forest Plan and Environmental Impact Statement (EIS) for the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests in west-central Colorado.⁴⁰ Timber harvests in the forests directly support about 600 jobs, less than five percent of the local workforce.⁴¹ The 1983 Plan called for an increase in timber sales over the ten-year planning period, justified as necessary to sustain the area's economy. Shortly after the Plan and EIS were approved, the Natural Resources Defense Council filed an appeal, challenging the process used to identify lands suitable for timber production and the evaluation of environmental effects of the timber program.⁴² The Chief of the Forest Service remanded the Forest Plan for further documentation on several issues.⁴³ Subsequently, the Secretary of Agriculture chose to review the Chief's decision. The Secretary's directive, dated July 31, 1985,

³⁸Steven E. Daniels et al., Distributive Effects of Forest Service Attempts to Maintain Community Stability, 37 *Forest Science* 245, 246 (1991).

³⁹Louise P. Fortmann, Jonathan Kusel, and Sally K. Fairfax, Community Stability: the Forester's Fig Leaf in Community Stability in Forest-Based Economies, *supra* note 1 at 46.

⁴⁰U.S. Dept. of Agriculture, Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forest Plan and Final Supplemental Environmental Impact Statement (1983) (hereinafter "GMUG Plan and EIS").

⁴¹U.S. Dept. of Agriculture, Forest Service, Record of Decision, Amendment of the Land and Resource Management Plan and Final Supplement to the Environmental Impact Statement, Grand Mesa, Uncompahgre and Gunnison National Forests 11 (Sep. 1991) (hereinafter "ROD").

⁴²NRDC also appealed the San Juan National Forest Plan and EIS. For a description of the legal bases of the appeals (with a focus on the San Juan National Forest), see James F. Morrison, The National Forest Management Act and Below Cost Timber Sales: Determining the Economic Suitability of Land for Timber Products, 17 *Env'tl L.* 557 (1987).

⁴³Letter from R. Max Peterson, Chief of the Forest Service, to Ronald J. Wilson and F. Kaid Benfield, Natural Resources Defense Council (Sep. 10, 1984).

required the Forest Service to provide additional information on how the Plan would maximize net public benefits.⁴⁴ In particular, the Secretary noted that:

Since there is no indication in the planning documents that increases in timber sales will be made only if there is an increase in demand and prices for timber, an explanation is needed as to why increasing the dependency of local community mill capacity and jobs which could result from an increase in sales of National Forest timber with revenues exceeding costs will contribute to greater national or local welfare -- especially since increased dependency upon submarginal timber sales would seem to result in potentially greater community instability due to uncertainties over continuation of a relatively high level of Federal funding to support a timber program with costs greater than revenues.⁴⁵

The Secretary's remarks had significance beyond the GMUG National Forests: "For the first time under [the National Forest Management Act], community stability and its analysis as a working policy was brought into question."⁴⁶

At the same time, commentators began calling for the Forest Service to respond more effectively to the needs of communities, recognizing the plurality of communities associated with a wide range of forest resources. The benefits of a community-focused management were described as follows:

Foresters' faith lies in industry to produce community welfare benefits. Employing the concept of community well-being as a goal for sustained-yield, or any other practice for that matter, redirects foresters' faith to the community and to themselves. It is a position of increasing responsibility, far removed from the comfort of the more "rational" bureaucratic procedures. . . . Thus the new forester needs to examine and work with a community to frame questions in order to approach management that best meets community needs.⁴⁷

⁴⁴Letter from Douglas W. MacCleery, Deputy Assistant Secretary of Agriculture, on behalf of the Secretary of Agriculture, to R. Max Peterson, Chief of the Forest Service (July 31, 1985), in ROD, at 20-25.

⁴⁵Id. at 21.

⁴⁶DeVilbiss, supra note 31 at 6.

⁴⁷Fortmann et al., supra note 39 at 48.

For their part, representatives of the Forest Service now make a concerted effort to avoid the use of the phrase "community stability," in order to distinguish current programs from policies of the past.

Not everyone is ready to reject community stability as a management objective on public lands. Particularly in the Pacific Northwest, where rural communities are far more dependent on timber production than in other parts of the country, "community stability" remains a watchword. The proposed "Community Stability Act of 1991"⁴⁸ defined a "resource-dependent" community as one in which private employment and public revenues are "substantially dependent" on resources developed on public lands,⁴⁹ and stated a national policy that public land management must not "create instability" in such communities.⁵⁰ The Act would have required federal land planning to consider outputs, demands, employment, and local government receipts,⁵¹ and would have restricted reductions in public land outputs greater than 10% below the average output for the previous five years, in order to maintain local economies.⁵² The legislation was never enacted. Another bill introduced in 1991 (and also never enacted) proposed federal grants to resource-dependent communities to aid their economic diversification efforts.⁵³ In contrast to the Community Stability Act, this bill acknowledged that old-growth forests are important for purposes other than timber harvest,⁵⁴ and thus proposed establishment of a reserve system to protect old-growth forests.⁵⁵ The bill's

⁴⁸H.R. 1309 and S. 1363, 102nd Cong., 1st Sess. (1991), introduced by Sen. Packwood (Ore.) and Rep. Smith (Ore.).

⁴⁹S. 1363 at § 2.

⁵⁰*Id.* at § 3(1).

⁵¹*Id.* at § 4(1).

⁵²*Id.* at § 4(4).

⁵³Northwest Forest Protection and Community Stability Act of 1991, H.R. 3263, 102nd Cong., 1st Sess. (1991), introduced by Reps. Morrison (Wash.) and AuCoin (Ore.).

⁵⁴*Id.* at §§ 3(7)-(10), (12)-(15).

⁵⁵*Id.* at § 103.

economic assistance provisions included the creation of a special economic adjustment fund in the Treasury, derived from federal forest revenues, and a Timber Economic Adjustment Commission to distribute grants from the fund to eligible, resource-dependent communities.⁵⁶

Current Approach: Rural Development for Public Land Communities

The Forest Service, as has been noted, no longer touts community stability as a management objective. Instead, the agency is pursuing a variety of programs aimed at encouraging rural community initiatives for economic diversification and independence. To a large extent, these changes were forced upon the Forest Service by the failure of the agency's historical policy (with its narrow focus on timber production) to fit the complexity of modern demands on national forest resources. As there never was a statutory mandate to pursue community stability as a management objective, the Forest Service has the discretion to modify the historical policy.⁵⁷

In 1989, the Forest Service established the National Rural Development Task Force, whose work subsequently prompted the Chief of the Forest Service to issue a new statement of policy for the agency. The Task Force termed the new policy objective "rural development," which it defined as follows:

"Rural development" is the management of human, natural, technical, and financial resources needed to improve living conditions, provide employment opportunities, enrich the cultural life, and enhance the environment of rural America.⁵⁸

In order to accomplish rural development, the Task Force set forth the following statement of agency policy:

⁵⁶Id. at §§ 401-405.

⁵⁷The Office of General Counsel stated in 1985: "There is no specific statutory authority applicable generally to the National Forest System to maintain community stability beyond sustained yield concepts." Memorandum from James P. Perry, Deputy Asst. Gen. Counsel, Natural Resources Div., Office of Gen. Counsel, U.S. Dept. of Agriculture, to Christopher Risbrudt, Director, Policy Analysis, Forest Service (Aug. 14, 1985), quoted in Schallau and Alston, supra note 28 at 455 n.101.

⁵⁸U.S. Dept. of Agriculture, Forest Service, A Strategic Plan for the '90s: Working Together for Rural America 5 (1990).

The Forest Service will provide leadership in working with rural people and communities on developing natural resources-based opportunities and enterprises that contribute to the economic and social vitality of rural communities. The Forest Service can make lasting improvements in rural America by helping people solve their local problems in ways that enhance the quality of the environment in accordance with our existing authorities.⁵⁹

The plan calls for a new focus on "enhancing the productive capacity of rural America over the long term and not on the particular objectives of the individual programs."⁶⁰ In other words, maintaining timber-related employment should be a less important goal than diversifying a local economy and building alternative sources of income and employment.

The emerging policy is tied to the much-discussed concept of sustainable development, by which land management practices "meet[] the needs of the present without endangering the ability of future generations to meet their needs."⁶¹ The Forest Service's Rocky Mountain region economic assessment includes a section describing the theory of sustainability and placing rural development efforts within this context.⁶² The assessment recognizes that sustainability requires both healthy land management practices and responsible, empowered communities.

The Forest Service's new program gained the financial support it needed with enactment of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (Title XXIII, Subtitle G, Chapter 2 of the 1990 Farm Bill),⁶³ which includes a provision for the establishment of "rural forestry and economic diversification action teams to prepare an action plan to provide technical assistance to

⁵⁹Id.

⁶⁰Id. at 14.

⁶¹Charles F. Wilkinson, Crossing the Next Meridian: Sustaining the Lands, Waters, and Human Spirit in the West, 32 Environment 14, 18 (Dec. 1990).

⁶²Economic Assessment, supra note 8 at 183-194.

⁶³Pub. L. 101-624, Title XXIII, § 2371, 104 Stat. 4045, codified at 7 U.S.C. § 6601 et seq.

economically disadvantaged communities."⁶⁴ With funding guaranteed by the Farm Bill, the Forest Service is providing financial and technical assistance to help resource-dependent communities work toward more diverse economies in the future. As stated in the Rocky Mountain Region Guide:

While helping to maintain . . . important uses on the National Forests and National Grasslands, we should help local communities develop diverse and resilient economies. We must work with local people to identify and advance those compatible Forest and community goals leading to sustainable opportunities. . . . We must become more knowledgeable of the goals and aspirations people have for their communities and National Forests and National Grasslands."⁶⁵

In the Pacific Northwest, a region in which many rural communities have suffered from highly timber-dependent economies, the Forest Service describes its strategy as "community economic development," which it defines as "the process for translating individual aspirations for the future into a shared community vision that includes economic goals."⁶⁶

The Rocky Mountain Region took this approach. First, community development staff obtained data from the U.S. Bureau of Economic Analysis to determine which geographic communities within the region: (1) are most "dependent" on resource production on Forest Service lands; (2) are likely to suffer "distress" from imminent land management decisions; and (3) demonstrate "community readiness" to explore new directions in the future.⁶⁷ In their review of communities in the states of South Dakota,

⁶⁷ U.S.C. § 6613.

⁶⁵ Region Guide, *supra* note 7, at iii-iv.

⁶⁶ Schuler & Gardner, *supra* note 3 at 4.

⁶⁷ Bob Dettmann, Remarks at University of Colorado conference on "Competing Visions for the New West" (Feb. 6, 1993). The Forest Service's implementation guidelines require that the communities be located within 100 miles of a national forest; have a population of 10,000 or less (if the community is a town, township, municipality, or other unit of general purpose local government) or 22,550 or less (if the community is a county or similar unit of general purpose local government); derive at least 15% of the total primary and secondary labor and proprietor income from forestry, wood products, and forest-related industries such as recreation and tourism; and is economically disadvantaged as a result of federal or private sector land management practices. U.S. Forest Service, Rural Revitalization Through Forestry for National Forest-Dependent Communities: Implementation Guidelines, 4 (Feb. 1992) (hereinafter "Implementation

Nebraska, Wyoming, Colorado, and Kansas, community development staff at the Rocky Mountain Region identified 118 rural counties meeting these criteria.⁶⁸ They approached 20 communities (including counties and small towns), offering seed money for planning, and all 20 said "yes" to federal assistance.

Once the Forest Service identifies a community eligible for assistance, and community leaders express a desire to pursue the program, the next step is formation of an "action team," comprised of representatives of "major sectors of the community." The team prepares an "action plan," identifying long-term strategies and opportunities to promote economic diversification and to strengthen local businesses and sources of income.

Kremmling, Colorado, is one of the Forest Service's "economic recovery" communities. As described earlier, this town suffered when the Louisiana-Pacific waferboard plant closed in late 1991 and left nearly one-fifth of the residents unemployed. Since then, community leaders formed the Kremmling Economic Development Committee "to encourage focused, sustainable, and diversified business development which is also environmentally sound."⁶⁹ The Committee prepared an action plan and a glossy brochure aimed at attracting new businesses and recreational visitors. The Kremmling action plan focuses on the area's "small-townness" and low cost of living. Although it will seek additional recreation, the Committee rejected the goal of becoming a destination resort.⁷⁰ Town Manager Bill Koelm told a reporter that L-P's pull-out might have been the best thing that happened to the community "because it made us think about our future."⁷¹ He praised the Forest Service's rural development

Guidelines"). These guidelines helped the regional staff define the larger "universe of eligible communities" from which the 118 counties and 20 targeted communities were selected. Telephone conversation with Bob Dettman (March 15, 1993).

⁶⁸Dettmann, Remarks at "Competing Visions for the New West," *supra* note 67.

⁶⁹Kremmling's Vision for the Future (planning document submitted to the Forest Service).

⁷⁰Telephone Interview with Sue Dutko, director of the Kremmling Chamber of Commerce (Nov. 28, 1992).

⁷¹R.E. Baird, Bucking the Myth of the "New" Ghost Town, Colorado Daily 18 (Aug. 25, 1992).

program: "I can't say enough about the money and, even more important, the expertise that the Forest Service has made available. It's given us the chance to become proactive instead of reactive. You can't be a company town and survive."⁷² Kremmling will use its community development money to study the feasibility of attracting new forest product industries that produce value-added goods such as furniture.⁷³ In place of L-P, the Committee would rather attract "10 companies hiring 20 people each than one company hiring 200."⁷⁴

Conversations with Kremmling community leaders revealed a renewed sense of vitality in the town, as well as a feeling that the federal land managers are playing an integral part in community development. "They are part of the community," remarked Bill Koelm; "they live here, their kids go to school here, and they are always listening to what people think about the public lands -- even when they're waiting to pick up their dry cleaning or standing in line at the grocery store."⁷⁵ Sue Dutko, the director of Kremmling's Chamber of Commerce, agrees: "The people from these agencies are becoming involved directly in the community."⁷⁶ And Kremmling's Mayor, who has ranched in the area all of her life, believes that the partnership can help guarantee a "happy medium" among recreationists and ranchers.⁷⁷ Similar planning efforts are underway in other public land communities in the Rocky Mountain Region, including Walden, Colorado; Custer, South Dakota; Dubois, Wyoming; and Johnson, Big Horn, Washakie, and Sheridan Counties (which together have formed the Big Horn Coalition), Wyoming.

⁷²Id.

⁷³Dutko, supra note 70.

⁷⁴Id.

⁷⁵Telephone Interview with Bill Koelm, Kremmling Town Manager (Dec. 10, 1992).

⁷⁶Dutko, supra note 70.

⁷⁷Telephone Interview with Peg Toft, Kremmling Mayor (Dec. 14, 1992).

Rural development efforts commonly seek to attract new residents who wish to enjoy the high quality of life in rural western communities. This has proven a successful strategy in Dubois, Wyoming. In 1987, the town was faced with the sudden closure of a Louisiana-Pacific sawmill.⁷⁸ The economic impacts were substantial: the mill employed nearly 30% of the town's workers, and provided 35% of its payroll. Although the mill has remained closed, and no major new resource development venture has opened its doors in Dubois, today the town is on the rebound. The recovery is fueled, in part, by an influx of "footloose" newcomers, companies and individuals who have the capability to live wherever they please and do their work by telephone, fax, and other electronic media. Other footloose residents include those that bring retirement pensions or other sources of income that are not dependent on activities within the geographic boundaries of the community.

In addition to capitalizing on natural amenities to attract new residents, Dubois has sought to link its image and income with the abundant wildlife and recreational opportunities on nearby public lands. A new visitor center in a bighorn sheep refuge is now under construction; residents hope to attract tourists en route to Yellowstone. The town is also hoping to benefit from a growth in guided recreation, cross-country skiing, and snowmobiling, all of which depend on the proximity of public lands.

These efforts are laudable, and it is clear that many communities are benefitting from opportunities to plan for the future and exert local control over decisions that affect them. Yet it would be misleading to imply that all residents of these communities are satisfied with the direction of change. The deeply entrenched occupational communities -- loggers, miners, and other skilled laborers who identify intimately with a field of work -- are unlikely to welcome a transition to a recreation/tourism-based regional economy. For them, the newly-created service sector jobs are likely to pay far less than their original jobs, and the loss of identity is a serious blow:

When a place and its people derive their very identities from the local economic base, the implication of a new economic base for the community

⁷⁸Richard Manning, Mountain Passages: Two Rocky Mountain Communities Search for the Road that Leads to a Sustainable Future, 56 *Wilderness* 23, 28 (Fall 1992).

is not just doing something else, having a different mix of firms and job opportunities, but being something else, taking on a new identity.⁷⁹

The influx of newcomers and economic growth is especially difficult for displaced workers who identified strongly with resource extractive occupations: "From [loggers'] perspective, it adds insult to injury to create economic opportunities that are more suited for others, while their livelihoods are disappearing as a result of decisions that they do not perceive as legitimate."⁸⁰

This conflict presents a formidable challenge to the public land managers and community leaders (who sometimes lack the community roots of local workers) seeking to develop "visions" for the future. Forging alliances among the various communities that identify with the public lands -- building and sustaining a true community of values -- surely is a challenging goal.

A ROLE FOR NON-GOVERNMENTAL ORGANIZATIONS?

The Forest Service is not alone in recognizing the needs of public land communities. Several non-governmental organizations have developed programs aimed at helping these communities plan for the future and diversify their economies. This section describes recent efforts of the Grand Canyon Trust and The Wilderness Society.

Grand Canyon Trust: Community Initiatives Program

The Grand Canyon Trust (GCT) is a regional, non-profit conservation organization, based in Flagstaff, Arizona. The GCT's mission is to advocate the responsible conservation of natural and cultural resources of the Colorado Plateau, approximately 108 million acres covering parts of four states (Utah, Colorado, Arizona, and New Mexico) in the Southwest. Over half of the Plateau is made up of federal

⁷⁹Michael Hibbard, Economic Culture and Responses to Economic Transformation in a Timber Dependent Community, in Western Governors' Association, Small Towns: Culture, Change, and Cooperation 11 (Jan. 1992).

⁸⁰Matthew S. Carroll, Pacific Northwest Loggers and the Spotted Owl Controversy, in Small Towns: Culture, Change, and Cooperation, *supra* note 79 at 39.

public lands; thus, the communities in this region have long felt the pressures of federal land management policies. In a 1990 report to the Ford Foundation, the GCT summarized the continuing importance of federal public lands to Plateau residents:

While the federal presence has not always been welcomed by local residents, since the demise of the so-called sagebrush rebellion a consensus is beginning to emerge across much of the Colorado Plateau in favor of the retention and active management of federal lands, but with significantly increased local community involvement.⁸¹

This call for increased local participation underlies the GCT's Community Initiatives Program, an effort to work together with the people in the rural areas of the Plateau who are faced with changing economic realities and difficult choices in the future. As part of the program, the GCT brought together over 150 community leaders for a symposium titled "Coping with Change: Economy and the Environment" in September, 1991. The proceedings from that meeting demonstrate the important role that federal public lands and public land managers play in the future of Plateau communities: two of the eight "key issues" identified during the symposium explicitly mentioned public lands; two others related to public land management.⁸² Symposium participants called for empowerment of local communities affected by public land decisions, suggesting a variety of locally-initiated conflict resolution approaches.

Through the Community Initiatives Program, the GCT has participated in public land management planning in BLM's Kanab/Escalante Resource Area and in Grand Canyon National Park. The GCT encourages counties to participate in the Forest Service's economic development planning and is working with the agency to develop community assistance programs. The following passage from a program summary indicates GCT's goal of integrated community and public lands planning:

If these communities, motivated by their own concerns and future vision, incorporate a responsible resource conservation element into their plans, decisions, and relationship with the surrounding public lands, they will be

⁸¹Grand Canyon Trust, The Future of the Colorado Plateau: Preserving Its Natural Wonders While Securing Economic Opportunities for Its Residents, a progress report to the Ford Foundation 9 (May 1990).

⁸²Grand Canyon Trust, Proceedings of the Colorado Plateau Community Initiatives Symposium, Coping with Change: Economy and Environment 36-39 (Sept. 18-20, 1991).

able to take the lead in linking the sustainable ecology of those public lands with sustainable economies for their communities.⁸³

The Wilderness Society: Diversifying Local Economies in the Pacific Northwest

The Wilderness Society (TWS) is a national, non-profit environmental advocacy organization with headquarters in Washington, D.C. It employs attorneys, economists, and scientists. In the past decade, TWS has focused on national forest issues, which has led to its interest in the economies of forest-based communities.

In 1991 and 1992, TWS conducted a demonstration project on economic diversification in Linn County, Oregon, and Grays Harbor County, Washington. Both communities depended heavily on national forest timber harvest and processing for income and employment, and both had suffered in the recent timber industry downturn in the region. TWS worked with community leaders in these two counties to develop strategic plans for economic diversification; the Linn County plan emphasizes outdoor recreation, while the Grays Harbor County plan focuses on tourism. These planning processes and similar efforts from around the region were featured at a workshop in September 1991, "Rural Northwest: Exploring Common Ground."

In a report summarizing the demonstration project, TWS made the following recommendations for economic development programs in resource-dependent rural communities:

- (1) Economic development plans should be based on the inherent strengths and values of the communities. . . . For rural, forest-based communities, natural resources can be the foundation for economic diversification.
- (2) Economic development planning should be multi-community oriented.
- (3) The economic development planning process should be "bottom up" and involve a broad cross-section of the communities. . . . Outside entities that try to impose a top-down planning process on communities will almost always fail.

⁸³Grand Canyon Trust, The Communities Initiative Concept on the Colorado Plateau 3 (undated report).

- (4) Economic development planning and implementation need to be viewed as a single, comprehensive process. . . . Two relevant lessons from this project are that the planning process itself must be thorough and detailed and the means of carrying out the plan must be in place.
- (5) Build local infrastructure.
- (6) Develop locally relevant economic information.
- (7) Promote networks between resource-dependent rural areas. . . . Rural communities need information about how other communities are responding to economic development challenges, which approaches are working, which are failing, and why.
- (8) Look to the future. This project . . . did not address the issue of managing the timber resources of the forests in Linn and Grays Harbor Counties. All were willing to accept the assumption that there are benefits to diversifying the local economy, regardless of future timber cutting.⁸⁴

The Wilderness Society recently proposed a similar effort in Colorado, working with community leaders to develop alternative management policies for sustainable forest management and diversified economies.⁸⁵ The controversy over below-cost timber sales (which gained national attention in the GMUG Forest planning process) and rapidly expanding recreation uses of national forests in Colorado offer opportunities for new economic strategies in rural communities traditionally dependent on resource extraction. The Wilderness Society already has begun participating in community planning efforts in Kremmling, Colorado. Apparently Kremmling's Economic Development Committee was surprised by TWS' approach: "They could have been tarred and feathered, coming into this town," said Bill Koelm.⁸⁶ But the Committee members heard a message they liked from the environmental group, a message of economic diversification and cooperative

⁸⁴The Wilderness Society, From Dreams to Realities: Diversifying Rural Economies in the Pacific Northwest 17-20 (October 1992).

⁸⁵The Wilderness Society, Sustainable Forests/Sustainable Futures, proposal to the U.S. West Foundation (May 1992).

⁸⁶Koelm, supra note 75.

planning. "They floored us," remarked Sue Dutko, who went on to describe several projects with which TWS has agreed to help community planners.⁸⁷ As Bill Koelm observed, "While some of the words are different from what the cowboys are trying to do, the meanings -- realistic use and conservation of natural resources -- are the same."⁸⁸

The Wilderness Society's Ray Rasker, one of the primary contact people for Kremmling, described his organization's efforts as follows: "We only get involved if the community invites us. We tell them that we'll leave any time if they don't like what we're doing."⁸⁹ TWS is working to build a constituency favoring a more balanced policy for the public lands -- including a more viable, diversified economy and more value-added industries. The Wilderness Society's endeavor is an example of how to begin building bridges between historically divergent communities. The process will be more difficult in some places, but the positive start in Kremmling should encourage similar efforts elsewhere.

TOWARD A NEW WESTERN COMMUNITY

Just as the "tree huggers" and "cowboys" are beginning to join forces in Kremmling, so too do the various public land communities in the West appear poised on the brink of meaningful contact. Whether this contact will result in a bitter collision or productive joint enterprises remains unclear, but the growing call for participatory governance invites innovative new approaches.

National forests and BLM lands historically have been managed for multiple uses -- typically interpreted as multiple outputs of products such as timber, livestock forage, recreation visitor-days, and so on. The constituency groups dependent on these outputs accurately are called "user groups," as they have been organized around shared interest in particular products or uses of the lands and resources. Increasingly, however,

⁸⁷Dutko, *supra* note 70.

⁸⁸Koelm, *supra* note 75.

⁸⁹Personal communication, Ray Rasker, Economist, The Wilderness Society (December 14, 1992).

the public lands are being managed for multiple values -- expressed in such concepts as sustainability, beauty, religious and spiritual sustenance, land health, and biological diversity. By definition, the constituency groups organized around values are communities. Thus, it is appropriate for land management agencies to reconsider their management approaches and to make a renewed commitment to building and helping to sustain communities that share concerns for the public lands. The public lands are a shared concern of a diverse, broad, and not-at-all cohesive community.

Viewing the public lands constituencies as members of a larger community offers a more complete picture of the individual members. The traditional approach is to characterize people as members of particular interest groups, whose preferences are known in advance to the public lands manager. Margaret Shannon criticizes land management agencies for exacerbating people's differences

by simply stereotyping individuals or groups on the basis of an interest or preference or position in the social division of labor. Think, for a moment on the differences in how the "opinion" of the logger is regarded next to the Chamber of Commerce, the mother next to the environmentalist, the birdwatcher next to the elk hunter, and so on and on. How quickly each of these categories calls up an expected image or an individual based on a minute aspect of their whole self. Should we not be troubled when such partial and inadequate stereotypes channel attention away from "public" or shared, common interests and toward individual or group specific concerns with the use and investment of societal (public) resources?⁹⁰

By contrast, a community view emphasizes the multi-dimensional nature of every individual, and assumes that people share common interests as well as differences. For example, person concerned about road construction in a nearby national forest might also be a local school board member, a small business owner, and a participant in an annual festival planning committee. Through these ties to other members of the community, this individual very likely has developed the basis for conversation and problem-solving. Public land managers would do well to recognize individual complexities and to build on this existing sense of community in efforts to resolve conflicts over land uses: "Rather than a discrete number of organized interest groups, we

⁹⁰Shannon, Community Governance: An Enduring Institution of Governance, supra note 6 at 225.

see a loose, fluid structure of social actors involved in and affected by forest planning decisions."⁹¹ For their part, "[d]isputants need to realize that they exist within a community and that consensus is the preferred method of resolution."⁹²

A strong sense of community can foster responsible participation in decisionmaking processes. Some have termed this "governance": "the act of living together, finding mutually acceptable uses for land and resources, and engaging in ongoing debate and dialogue to define and resolve mutual problems."⁹³ Others have expressed this idea in terms of "citizenship": "As people learn to relate . . . to each other, they discover in their patterns of relationship a new competence, an unexpected capacity to get things done."⁹⁴ If individuals from various "interest groups" realize their shared concerns for the public lands, their emerging sense of community offers a tremendous opportunity for more meaningful land management approaches.

How can a nascent sense of community be nurtured? A number of commentators have urged public land managers to experiment with conflict management techniques in order to build communities, and in some instances this is happening. Julia Wondolleck describes how conflict management can be integrated with the traditional role of the professional forester:

The [conflict management] process does not supplant professional land management practices. Any decisions reached through it clearly must be professionally sound and constrained by existing legal and technical limits. However, the process . . . alters the decision-making process to provide a forum within which different forest-user groups can represent their concerns themselves, rather than have professional land managers attempt to do so for them Agency officials need to actively participate in this process both to represent the nonvocal public that is not present as well as

⁹¹Margaret A. Shannon, Building Trust: The Formation of a Social Contract, in Community and Forestry: Continuities in the Sociology of Natural Resources 229, 136 (Robert G. Lee, et al., eds., 1990).

⁹²Charles F. Wilkinson, The Eagle Bird: Mapping a New West, 45 (1992).

⁹³Shannon, Community Governance: An Enduring Institution of Democracy, supra note 6 at 234.

⁹⁴Kemmis, supra note 25 at 113-114.

to provide the technical and scientific facts and administrative constraints that only they can provide.⁹⁵

Similarly, Robert Reich writes that

The job of the public administrator is not merely to make decisions on the public's behalf, but to help the public deliberate over the decisions that need to be made. Rather than view debate and controversy as managerial failures that make policymaking and implementation more difficult, the public administrator should see them as natural and desirable aspects of the formation of public values, contributing to society's self-understanding.⁹⁶

Others have urged similar approaches in calling for cooperation,⁹⁷ civic literacy,⁹⁸ civic conversation,⁹⁹ and intercultural exchange.¹⁰⁰ Of course, there will always be a role for administrative appeals and litigation; it is often the threat of such equalizing measures that impels parties with advantages in resources or political clout to approach the bargaining table. Nonetheless, it may be possible to avoid, manage, or resolve some disputes through community-oriented consensus approaches.

Approaching public lands constituencies as members of a larger community offers the opportunity to craft more creative solutions. Rather than assuming fixed interest group positions that must be accommodated and balanced in making a difficult decision, the land manager works as a facilitator in a public discussion process and recognizes that individuals may change their positions based on information developed together with others in the community. Robert Reich calls this "social learning," the process by which

⁹⁵Julia M. Wondolleck, Public Lands Conflict Resolution: Managing Natural Forest Disputes 186, 246 (1988).

⁹⁶Robert B. Reich, Public Administration and Public Deliberation: An Interpretive Essay, 94 Yale L.J. 1617, 1637 (1985).

⁹⁷Kemmis, supra note 25 at 45.

⁹⁸Shannon, Community Governance: An Enduring Institution of Democracy, supra note 6 at 227.

⁹⁹Margaret A. Shannon, Resource Managers as Policy Entrepreneurs, 89 Journal of Forestry 27, 29 (June 1991).

¹⁰⁰Ed Marston, Rural Economies Can Reform or Go the Way of Detroit, High Country News 14 (May 18, 1992).

public perceptions and individual preferences are influenced by the administrative process. He explains that agency officials influence these perceptions and preferences "[b]y recognizing certain groups and leaders, and subtly encouraging others to participate," as well as by selecting public objectives and alternatives to be considered.¹⁰¹ Reich concludes that an administrator's failure to acknowledge the potential for social learning "leads to decisions that may not reflect what the public would have chosen had the public actually deliberated about them."¹⁰² Similarly, Steven Daniels and Matthew Carroll speak of "collaborative learning," a process by which members of a community learn together what they value and what kinds of changes are desirable and feasible.¹⁰³ They view the role of the land manager as a "professional citizen" -- a guide in the collaborative learning process and a member of the community.

Through a creative synthesis of the emerging ideas about communities and governance, public land managers can help build and sustain public lands communities. The Forest Service's current rural development approach is a healthy beginning, although the agency has yet to overcome the vestiges of community stability and remains burdened with other institutional baggage. The most promising element of the new approach is its emphasis on community responsibility for identifying problems, developing visions for the future, and planning how to achieve shared objectives. Although the success stories to date are still in their early stages, they are encouraging. On the downside, the agency has not extended its definition of "community" beyond those people living close to national forests; the rural development guidelines do not explicitly recognize or encourage participation by broader communities of interest that might be capable of building alliances with local people. Moreover, the Forest Service is struggling to define its own role in traditionally forest-dependent communities. The transition from provider to facilitator is difficult. Nonetheless, other public lands agencies would do well to study the Forest Service rural development model for possible application elsewhere.

¹⁰¹ Reich, supra note 96 at 1626-1630.

¹⁰² Id. at 1631.

¹⁰³ Steve Daniels and Matthew Carroll, Presentation at U.S. Forest Service National Rural Development Coordination Meeting (Feb. 21, 1993).