

University of Colorado Law School
Colorado Law Scholarly Commons

The National Forest Management Act in a Changing Society, 1976-1996: How Well Has It Worked in the Past 20 Years?: Will It Work in the 21st Century? (September 16-18)

Getches-Wilkinson Center Conferences,
Workshops, and Hot Topics

9-17-1996

Reflections from the Seventh American Forest Congress: Some Thoughts for National Forest Management

William R. Bentley

Follow this and additional works at: <http://scholar.law.colorado.edu/national-forest-management-act-in-changing-society>

 Part of the [Administrative Law Commons](#), [Environmental Law Commons](#), [Environmental Policy Commons](#), [Forest Biology Commons](#), [Forest Management Commons](#), [Indian and Aboriginal Law Commons](#), [Legislation Commons](#), [Natural Resource Economics Commons](#), [Natural Resources and Conservation Commons](#), [Natural Resources Law Commons](#), [Natural Resources Management and Policy Commons](#), [Policy History, Theory, and Methods Commons](#), and the [Sustainability Commons](#)

Citation Information

Bentley, William R., "Reflections from the Seventh American Forest Congress: Some Thoughts for National Forest Management" (1996). *The National Forest Management Act in a Changing Society, 1976-1996: How Well Has It Worked in the Past 20 Years?: Will It Work in the 21st Century?* (September 16-18).

<http://scholar.law.colorado.edu/national-forest-management-act-in-changing-society/16>

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.



William R. Bentley, *Reflections from the Seventh American Forest Congress: Some Thoughts for National Forest Management, in THE NATIONAL FOREST MANAGEMENT ACT IN A CHANGING SOCIETY, 1976-1996: HOW WELL HAS IT WORKED IN THE PAST 20 YEARS? WILL IT WORK IN THE 21ST CENTURY?* (Natural Res. Law Ctr., Univ. of Colo. Sch. of Law 1996).

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.

**REFLECTIONS FROM
THE SEVENTH AMERICAN FOREST CONGRESS:
SOME THOUGHTS FOR NATIONAL FOREST MANAGEMENT**

**William R. Bentley
President, Salmon Brook Associates
and
Senior Research Scholar, Yale University**

August 22, 1996

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

September 16-18, 1996

**Natural Resources Law Center
University of Colorado
School of Law
Boulder, Colorado**

C

C

C

Reflections from the Seventh American Forest Congress: Some Thoughts for National Forest Management¹

by William R. Bentley

Bismarck--or was it Churchill--said policy is like sausage --you don't want to watch it being made. Those of you who are into policy and sausage making would have loved the Seventh American Forest Congress. It was a mess! The process was often chaotic, noisy and all other things that suggest lack of reflective, thoughtful decisions. It was a very diverse group of 1,500 people with their only common bond being a concern for forests. Some couldn't even agree on what a forest is. Talk about not being able to see the forest for the trees!

The interesting thing about the Forest Congress is that it worked.² The process produced many elements of a vision and over 60 potential principles for guiding us toward the vision. Twelve elements of the vision and 29 principles had 50% or greater levels of agreement. More important, the process identified new leaders and new leadership locations around America. In addition,

- Individual and organizational channels of communication were reinforced and new ones were created.
- New bonds and higher levels of trust resulted.
- Participants shared a renewed sense of urgency about forests and their future.
- The participants have strong commitments to the next steps--to taking action. They have started local initiatives, like rehabilitating watersheds. They will practice better on-the-ground forest management.
- People at all levels are working on better educational materials.
- A committee of researchers and users of science-based information are looking for ways to make applied research on forests more useful.
- The stakeholders, with help from the local roundtables and national committees, will come up with more creative forest policy.
- *And the participants will hold more dialogues!* They will build constituencies that lead to agreements on changes needed in statutes and regulations. They will form strong, centrist coalitions that are clear on the changes in forest policy that they want. Wildlife

and timber management relationships, private ownership issues, outdoor recreation coalitions, forest research policy, Federal Advisory Committee Act (FACA) reform, and forest health are among the stakeholder dialogues in progress.

The Forest Congress process itself is a recipe for success. Participants can reach high levels of agreement on forest issues through dialogues without creating win-lose confrontations.

Controversies and differences of opinion do exist about the future of our forests. But people have a base to work from--the vision and principles--and an open, voluntary process for resolving conflict. Dialogues should be continuous and oriented toward action.

The most diverse large group of participants ever assembled to address contentious issues concerning forests answered two questions: *What is your shared vision for America's forests? What are the principles required to achieve that vision?* They were able to do this by following four rules.³

1. **Focus on agreement--not consensus.** The process used avoids the agree/disagree dichotomy by adding an ambivalent middle choice. It looks at the levels of agreement. In some cases these are low and in others they are high. Once discovered where they agreed on vision and principles--especially the remarkable levels of agreement--they began to move toward each other. It is possible to consider specific forest policies or management actions once we understand our agreements. We can test our ideas against the vision and principles.
2. **The participants must be as diverse as possible.** Ethnicity, interests, ownership, agency, geography--including both urban and rural dwellers, students, teachers, blue collar workers, academics, young and old, male and female should be dimensions of diversity. Diversity brings the rainbow of ideas to the table. It insures a balance that isolates the extremes and encourages moving discussion toward the common ground.
3. **The power of small-group discussion must be used.** Working groups at each table should be 7 to 10 people, with maximum possible diversity. Everyone must have an opportunity to speak. Small group dynamics allows individuals to know each other as real people, to understand their differing viewpoints, and to discover more common ground than they would ever think possible.
4. **Time for the process to work is essential.** The more the participants talked, the more they agreed and the higher their levels of agreement. Development of the vision elements

demonstrates the impact of discussion. Several tallies were taken as the group discussed and revised the original seven elements into the final 13. Each time the group was asked to register its agreement, the level of agreement had strengthened.

Understanding the focus on levels of agreement is important. The Forest Congress process did not bring elements of a vision or proposed principles to a vote where the majority wins. Nor was a consensus process used that requires virtually everyone to agree to watered down or meaningless statements.

Agreement, which is represented by the color **Green**, is the simple statement, "I agree!" The color **Yellow** is used to represent ambiguous feelings. "I am uncomfortable, but I will go along," or "I have mixed feelings," or "I just don't know." **Red** means disagreement, which may mean, "I do not agree!" However, the reasons may be ambiguous. **Red** can mean, "This is not a principle" or "This is redundant with a principle I just agreed to." And it can mean "I disagree with the folks supporting this idea!"

NFMA--Act 2?

My purpose over lunch today is not to further critique NFMA, but to look to the future from our 1996 vantage point.

The National Forest Management Act is a success. The authors of NFMA successfully addressed the problems of their day. NFMA is less successful only when judged against problems which were in the future from a 1976 vantage point. Few people, if any, predicted either the changes in interest group desires or the methods they would employ to advocate their views. And who predicted the complex administrative procedures the Forest Service uses to carry out NFMA?

If it is time to consider a new omnibus act for national forest management, what elements are suggested by the results of the Seventh American Forest Congress? The Forest Congress vision elements look ahead a generation. This is long enough for our forests to change substantially, hopefully toward our vision of what we want. The principles are to guide us toward our vision. Both vision and principles are cast with the future in mind, so let us look at what they suggest about any legislation concerned with the National Forest System.

Vision as a Window into the Future

The vision was developed during the Forest Congress using elements as building blocks rather than working with entire vision statements (Bentley and Langbein 1996). Of the 13 elements considered in the last tally, 12 received 50% or more agreement. My personal version of the vision is:

In the future, our forests will have a variety of owners with their rights and objectives respected, and these owners will accept their responsibility as stewards; forests will be enhanced by policies that encourage public and private investment, sustainable production of a wide variety of values--goods, services, and experiences; the current area of forests will be maintained and the area expanded where appropriate; forests will be shaped by a wise mix of natural forces and human actions; forests will be sustainable and diverse; forests will be highly productive; forests will contribute to strong urban and rural communities; forests will be managed in ways sensitive to global implications, watersheds and aquatic systems, and local needs.

The thirteenth element considered recycling, efficient utilization, and other efforts to reduce the demand for forest harvesting. People involved with crafting this element were committed to these means. Some told me that if increased timber productivity had been included--more timber growth per acre per year on intensively managed timberland--the thirteenth element would have received strong support. They believed this would have been the next change if the process could have gone on a bit longer. Again, the lesson is that the more people talk, the higher their levels of agreement.

I found the vision elements reassuring. There are new elements that few would have expected 20 years ago, but there is much that fits easily into our evolving heritage of concern with conservation, the environment, and sustainability.

We reinforce our heritage of private property rights. However, we also reaffirm our responsibility for stewardship, reflecting our Germanic and Native American heritages of responsibility to future generations. We should return the soil in as productive or a more productive state than we received it. A statement often ascribed to Chief Seattle observes, "We do not own the land, we borrow it" (Office of the Forest Congress 1995).

We recognize and want more of the wide variety of concrete and experiential values that forests provide. This will happen only if we recognize that forests are investments that need encouraging in both the public and private sectors. This reality is not often reflected in recent rhetoric.

Maintaining our forest area against development (rather than the pasture and cropland clearing of our frontier history) and expanding it where appropriate on lands no longer needed or suitable for other purposes captures our 20th century reality. We are more in touch with natural forces, and we value diversity more than 20 years ago. We have a renewed sense of conservation--the shifting of use toward the future--in our evolving notion of sustainability. We see it must apply to both rural and urban communities. And we see that the "think globally, act locally" slogan is applicable to forests as well as other environmental issues.

All in all, these points are most reassuring as a vision that can inspire concrete actions.

Principles that Guide toward the Future

I am also reassured by the principles. As with the vision, we clearly are evolving and reforming, rather than fomenting a revolution.

The top ten principles are sweeping. They range from open dialogue, volunteerism, to peaceful, non-violent solutions. They include tolerance of and respect for the many values, goals and objectives found among American owners and managerial entities. They call for a strong research and science base with wide dissemination of our knowledge about forests. They include a sense of the importance of both urban forests and urban people to all forests. The tenth principle concludes the list with a remarkably sensible statement of why ecosystem management should be important.

Besides being reassuring, the principles are practical; they can guide us toward our future forests. In particular, they provide useful guidance to legislative and regulatory framework for the National Forest System. I will comment on the top ten principles, then make some observations about some of principles with lower levels of agreement that have obvious implications for the system.

Principles of the Seventh American Forest Congress

The ten principles with the highest levels of agreement:

1. An open and continuous dialogue is maintained and encouraged among all parties interested in forests. **(88% agreement)**
2. Voluntary cooperation and coordination among individuals, landowners, communities, organizations and governments is encouraged to achieve shared ecosystems goals. **(85%)**
3. Cohesive and stable policies, programs, and incentives should be available to allow forest owners to sustain and enhance forests. **(84%)**
4. Natural resource issues should be resolved by peaceful means.⁴ **(81%)**
5. Create financial and non-financial incentives for long term forest stewardship. **(81%)**
6. Science-based information is accessible and understandable, distributed in a timely manner, and contributes to forest policy and management. **(80%)**
7. Comprehensive, integrated and well organized research is well funded. It is designed and conducted in collaboration with stakeholders to ensure for society the countless benefits of our forest ecosystems. Knowledge and technology products are effectively distributed, tested, and implemented. **(76%)**
8. All differences in goals and objectives of public, private and tribal forest owners are recognized and respected. Forest owners, including the general public, recognize and embrace both the rights and responsibilities of ownership. All forest owners acknowledge that public interests (e.g. air, water, fish and wildlife) exist on private lands and private interests (e.g. timber sales, recreation) exist on public lands. **(75%)**
9. Urban and community forest ecosystems will be valued, enhanced, expanded and perpetuated. **(74%)**
10. People's actions should ensure that the management of forests should sustain ecosystem structure, functions, and processes at the appropriate temporal and spatial levels. **(70%)**

Source: Bentley and Langbein 1996

An open and continuous dialogue is maintained and encouraged among all parties interested in forests. (88%)

The fact that this principle received the highest level of agreement is more profound than may at first appear. A civil society requires a civil dialogue. This cannot happen unless people are used to talking and treating one another in a civil, courteous manner. The decline of civil dialogue, some observers suggest, is because we no longer belong to as many community associations as

was once true. A continuous and open dialogue about forests among those interested is one way to maintain our practice of civil discourse.

Further, it is the right and obligation of the society as a whole and of the communities that compose it to discuss the purposes of our public forest resources and how management can promote those purposes. Such dialogue allows people to move beyond their personal values toward tolerance and appreciation of the value perspectives held by others.

Voluntary cooperation and coordination among individuals, landowners, communities, organizations and governments is encouraged to achieve shared ecosystems goals (85%).

The National Forest System can be a monolith. In many areas, the Forest Service is the dominant landowner, and nationally the system is the single largest ownership of forests. The terms *voluntary*, *cooperation* and *coordination* flow from the principle of a continuous dialogue. They are counter to the notions of required, mandated, and directed--all traits common to large organizations--public or private. This is especially true when large organizations are confronted by smaller, local entities that have a different viewpoint.

Cohesive and stable policies, programs, and incentives should be available to allow forest owners to sustain and enhance forests. (84%)

NFMA served us well through 20 tumultuous years. This is amazing in some respects, and reassuring in others. Forests are not short-lived investments. What we do today will require many years to manifest results--good and bad. It may be time to change NFMA or to replace it with another omnibus national forest act. But only if we think we can live with a new law for another 20 years or more.

Natural resource issues should be resolved by peaceful means. (81%)

This principle and another with almost the same wording focused on "non-violent means" for resolving conflict (see endnote 3). This is basic to a civil society, but hard to maintain in the social milieu that characterizes many national forest settings.

Create financial and non-financial incentives for long term forest stewardship (81%).

This principle is most relevant to the private sector, but we would be naive to think that the principle does not apply to public forests as well. Private investments require secure, enforceable property rights. So do public investments. Private investments require the incidence of benefits primarily flow back to the investor to justify the use and risk of capital (which may require changes in taxation as well as enforceable property rights). So do public investments. Private investments require ready access to capital at reasonable rates given the risk involved. So do public investments.

Gifford Pinchot (1946) made the argument in 1905 that cash received from the sale of goods and services from the national forests should be plowed back into the system. Senator Larry Craig (1996) proposed reconsideration of this idea in a recent letter to the Secretary of Agriculture. It is a good time to reconsider the use of national forest revenues, especially if the revenue flows are used for investments rather than operating funds.

Science-based information is accessible and understandable, distributed in a timely manner, and contributes to forest policy and management (80%). Comprehensive, integrated and well organized research is well funded. It is designed and conducted in collaboration with stakeholders to ensure for society the countless benefits of our forest ecosystems. Knowledge and technology products are effectively distributed, tested, and implemented. (76%)

These two principles are in close parallel with one another, and they received almost the same levels of agreement.

The Forest Service is in a difficult position with regard to research. It is mandated by NFMA to manage the national forests using the best science-based information available. Also,

by law, it is mandated to have a major research program on forests. Even with reduced dollars, Forest Service Research accounts for about 60% of the total dollars currently spent in the U.S. on forest research.

The connection between the Forest Service research establishment and NFS as a major client has never been totally comfortable. Research was recognized to be important early on, but never has been center stage (Giltmier 1996). Some early repression of research results, such as the "Fire and Water" scandals, were corrected (Schiff 1960). More recent concerns include assertions in some quarters that research keeps at ecosystem studies until it finds the answers that the National Forest System (NFS) wants.

The fundamental problem is common to all applied science. To be effective in dollar and less tangible terms, the research must be directed toward problems held by clients. The client may be a specific national forest, all small woodland owners in a region, or an industrial firm. And the results should be beyond the influence of the client in the scientific sense of objective. This is hard to do in an organizational context where the largest research sponsor also is the single most dominant forest landowner.

All differences in goals and objectives of public, private and tribal forest owners are recognized and respected. Forest owners, including the general public, recognize and embrace both the rights and responsibilities of ownership. All forest owners acknowledge that public interests (e.g. air, water, fish and wildlife) exist on private lands and private interests (e.g. timber sales, recreation) exist on public lands (75%).

Two points might be made about this principle. First, it reminds us that private property rights are important. Second, it reminds us that the regulator of the public interest is not necessarily going to be loved, especially by those who are regulated. As a political generalization, regulators probably should not have other mandates, such as land management, research, or outreach to various kinds of owners.

Urban and community forest ecosystems will be valued, enhanced, expanded and perpetuated (74%).

The point is basic. The Forest Service must be relevant to citizens who live in urban and suburban areas. It must be seen as a partner of the communities it dominates by the sheer scale of its near by ownership.

People's actions should ensure that the management of forests should sustain ecosystem structure, functions, and processes at the appropriate temporal and spatial levels (70%).

The Forest Service is probably better able to carry out this principle than any other forest management entity in the country. It manages more large-scale forested landscapes than any other organization. The agency can be a model of the practical "best" in forest management planning, implementation, and results.

Several other Forest Congress principles are of interest for national forest management.

All federal public lands should be maintained for present and future generations and managed in accordance with national laws. Changes in those laws should be pursued through an open legislative process that allows the airing of views by the public (65%).

This principle was one of several put forward in response to the Timber Salvage Rider. Appropriation riders have existed, as far as I know, since the First Congress. They are the classical device for inserting pork barrel projects into the system so senators and representatives can point to concrete federal benefits that accrue to their constituents. As such, pork is a cost of doing business in a democracy. Although much reduced, they persist even in this era of budget cutting and reducing the role of government.

The use of appropriation riders to enact what might be controversial legislation also is not new. The Organic Act of 1897, which gives the basic authority to the Forest Service to sell timber and other resources from national forests without selling the land, was an appropriation rider. Much of our civil rights legislation was passed this way. The environmental community has also used appropriation riders to further their agenda. While the Salvage Rider is especially

controversial, first prize for using the appropriations process to redirect government agency action must go to the authors of the HIV rider on the 1996 Defense Appropriation.

Appropriation riders, which have no real appropriations intent, in my opinion, are a bad way for a democracy to craft social policy. Even where I agree with the intent, I think the means reflects poorly on our trust in democracy. Whether such devious methods are a product of the breakdown of civil society, or merely another symptom, I do not know. Nor am I a congressional parliamentarian or strategist who can suggest a solution. I was delighted, however, that Senator Craig (1996) suggested that elimination of riders might be incorporated into the dialogue on new legislation affecting the national forests.

Forest policies should be long term, non-partisan commitments-- needed to accomplish long term sustainability (65%).

This is the corollary of Principle No. 3-- *Cohesive and stable policies, programs, and incentives should be available to allow forest owners to sustain and enhance forests.* NFMA--Act 2 should meet this principle or it will not serve us well.

People's actions should ensure factual information and education concerning forests [should] be readily available, engaging, and actively disseminated to all (61%).

We should reconsider the role of the Forest Service as an educational institution for the country. A major environmental education program using experiential as well as traditional means could be designed using the national forests. If we learn how to structure and manage public participation in the process, the national forests also could be an important learning lab for teaching citizens the conduct of a civil society. A stronger, clearer educational role could make the national forests more relevant to urban America.

Forestry decisions should take into account the concerns of an increasingly diverse U.S. population, as well as the needs of forests, while linking benefits and responsibilities within communities (50%).

Jim Giltmier reminds us of "one man, one vote" as it finally is biting those of us concerned with rural resources. America is not a rural nation; its urban populations are seldom dependent upon natural resources in any direct way. Most citizens have a poor understating of ecology, commodity production, or the relationship of forests to our sustainable environment. Again, this argues for a stronger educational role for the national forests.

Recognize the special importance of existing old-growth forests (63%).

In my opinion, any new legislation concern with national forests will have to deal explicitly with the ancient forest issue. The "deal" should include two critical elements:

1. Designate the particular ancient forest acreages (and maybe all ancient forests) remaining that will be placed in permanent, legal reserves.
2. Define the management of all other national forest lands to achieve multiple use goals and values, but especially watershed protection, diversity of habitat for bird and wildlife species, and high levels of outdoor recreation.

In other words, there must be a *quid pro quo* that settles the balance between dominant use for wilderness and biological conservation on some national forest acreages with services to multiple constituencies on the remaining areas. Where specific people will be hurt by finally removing these lands from the timber base, compensate them. The values involved for all constituents must be conserved for a long period of time, perhaps in perpetuity. In this context, reinvesting all the revenues back into the national forests may make sense.

Only by resolving this problem, can the Forest Service and the U.S. Congress work on the challenges of managing national forest ecosystems for multiple values for "the greatest good for the greatest number in the long run."

Forests should be managed through adaptive decision-making processes based on data obtained using standard inventory protocols, continuing assessments, monitoring, and adjustments that reflect evolving knowledge (63%).

This may be the single most important principle of forest management to emerge over the past 30-40 years. Our knowledge about how complex ecosystems behave is very limited compared to the demands we try to serve from our public forests. And our ability to predict economic and social factors is equally limited. Consequently, we should always be learning and adapting, rather than pretending to know the unknowable.

Dialogue on specific forest issues will be based on a common understanding of terminology that is specific and clear (54%).

This principle may be best understood as one of means rather than ends. At the Forest Congress, terms were hotly debated at several tables. Even the term forest precipitated contentious debates at some tables. Neil Sampson offered the following observation to a fellow who was sure that plantations and managed forests were not forests:

I grew up on an old fashioned farm in Idaho. We still used a lot of horses for our farm work, and it was important to understand what each of those horses did. We had Percherons for pulling hay and grain wagons; we had Morgans for plowing; we had quarter horses for moving cattle; we even had a nice Tennessee walker for riding. Each had its name. And yet we called them all horses. Maybe forests are the same kind of thing—we have a lot of reasons for them, but they all are still forests.⁵

Only with on-going dialogue can we develop tolerance for one another's peculiar views and the agreement that "forests are forests."

Forests will be understood in the local context in which they exist and valued for their special qualities (55%).

A principle proposed at the Nebraska Roundtable, a January 1995 meeting diverse interests in forests that called for the Seventh American Forest Congress, is the neoconservative classic—*one size does not fit all!* It is a good principle to follow when reinventing large public agencies and

corporations. The control, predictability and psychological comfort of uniform rule, codified in manuals and handbooks, inhibit considering local conditions and often stifles creativity in meeting the national purpose as well as local values.

Soil productivity is a basic component of forest health (53%).

My father, who served 37 years in the Forest Service as a range ecologist, is smiling down from heaven about this principle. It is a restatement of the most basic Germanic notion of conservation. It is one which Lester Brown and other prophets of sustainability ask us to listen to and understand.

Forests should be managed under a multiple use philosophy that recognizes that each acre cannot provide all good and services values (53%).

My sense is that any legislation guiding the national forests would be ill advised to throw away multiple use. That said, multiple forestry in practice has been flawed. Models of optimization are not appropriate in political contexts, be they citizen participation at local levels or the legislative and appropriations processes of the U.S. Congress.

Worldwide, we have a dramatic confrontation between multiple use philosophies and dominant use solutions to well defined problems of optimization. In New Zealand, Parliament did away with the NZ Forest Service one fine day, sold the plantation forests to private industry, and placed the indigenous forests in its Department of Conservation. The tensions in multiple use became too great. A dominant use compromise allowed the key actors to move to their side of the cave with their piece of the pie. Good friends in both communities argue with me that America will have to reach the same conclusion.

I am dubious. Dominant use violates my understanding of ecology and natural processes. Rain falls on plantations as well as wilderness; many species of birds and mammals wonder from old to young forests and need openings for feeding or breeding; trekkers and automobile tourists both like varied landscapes with open vistas mixed with close at hand visionscapes. I have trouble not seeing multiple uses in even the most dedicated of landscapes. Perhaps this is just a hang-up from a childhood with two ecologists as parents; maybe it's my professional forestry education of

the "aught-fifties." Maybe we should figure out how to make multiple use work while we are figuring out what in the world ecosystem management is.

Water quality and quantity for the headwaters to the sea are essential to the health and vigor of both forest and human communities (52%).

Watershed values were central to the constitutional reasoning for the national forest system 100 years ago. They are more important now, and watersheds will become even more valuable as we move into the next millennia.

A good deal of research is needed on how forests influence water quality. Also, we need to know a lot more about how water quality from forests influences communities of fish as well as of people. It may be that many activities, like well implemented harvesting, are more beneficial and less harmful than the popular knowledge suggests.

A few principles that did not command 50% or higher levels of agreement are still of interest in context of national forests.

Citizens and interests have the right to seek administrative and judicial review to ensure that land management decisions comply with existing laws, including the Clean Water Act, Endangered Species Act, National Forest Management Act, and National Environmental Policy Act (47%).

I was somewhat surprised that this level of agreement is not higher. The rights of administrative or judicial review are basic to the constitutional system of law. I would be surprised if, in fact, the participants do not agree with the basic proposition. This is a case where understanding the kinds of ambiguities hidden in the *Yellow* and *Red* tallies provides some possible interpretations.

It may be that many participants do not agree fully with these laws. The controversies surrounding each, but especially ESA, suggest this may be the case. A related concern, as some evidence suggests, is that a portion of the interested public feels that legislation went too far in concern with process from NEPA onward. This perspective translates into concern with the volume of litigation and the role of judges and the courts in forest resource decisions. Litigation and court decisions are not a popular means of managing the federal forests. One possible solution is to focus future legislation more on purposes and results desired and less on either due

process or means. This, as anyone who has tried to understand much less write legislation, is far easier said than done.

Visual impact should receive suitable attention in the management operations on all forest lands (37%).

This is another case where the time for more careful crafting and recrafting was needed. Without question, the reaction of the general public to clearcutting is a visceral response to the changed landscape. The closer the general public is to a clearcut, the larger the area harvested, and the more topography that is present, the stronger the visceral response. If this principle had been crafted for the public forests, it probably would have received much stronger agreement. It would not have violated private property rights, and it would have focused on the landscapes that serve us all.

We also can learn from two strong disagreements concerned with federal forests.

- **No more logging on federal forests--90% disagreement**
- **No more roads on federal forests--91% disagreement**

Remember that disagreements--the symbolic *Red*--is itself ambiguous. The disagreements here no doubt were influenced by the antagonistic reaction in some quarters to the proponents. Others disagreed that these were principles. The strong rejection of these two propositions suggests that an advocacy strategy based on them will have an uphill political battle. But they certainly do grab your attention. Perhaps like Samuel Johnson's noose, such statements will focus the minds of people who favor some harvesting, much multiple use, and road building or maintenance to get citizens to the sites of these values. And perhaps the statements will help encourage a resolution of ancient forest issues as a strategic element of reforming our multiple use philosophy.

So what does this all mean?

It would be nice to say that the vision and principles lead directly to legislation, regulations, or administrative guidelines. They don't. That is not the role of either vision or principles. The vision provides a benchmark in the future: **if we do this, will we end up where we want to be?** A principle provides a guideline against which to judge individual actions. Compare, *We are against the Timber Salvage Rider as a principle!* with *This legislation violates our principles; in particular:*

- *All federal public lands should be maintained for present and future generations and managed in accordance with national laws. Changes in those laws should be pursued through an open legislative process that allows the airing of views by the public.*
- *An open and continuous dialogue is maintained and encouraged among all parties interested in forests.*

The latter clearly is more a more powerful way to proceed. Principles do not single out a particular piece of bad legislation made as an appropriation rider. Principles judge all appropriation riders as a bad way to craft statutes because they are not an open dialogue.

My expectations are that the Forest Congress principles will be refined over time, and mechanisms will evolve for new principles to emerge as needed. The Forest Service and the U. S. Congress could encourage these mechanisms and incorporate them into the policy dynamics of the National Forest System. This is the essence of the much needed administrative reform of FACA in context of public forestry.

I believe the current principles provide considerable guidance to the Forest Service, to the White House, and to the United States Congress. There is a pervasive trust in dialogue and in local decisions in these principles. This may be the hardest notion for the agency, the White House, and the Congress to follow. There is a pervasive belief in blending human and natural systems together, and in learning from our experience rather than knowing when we don't know. The Forest Congress participants seem more comfortable with uncertainty and ambiguity than traditional conservation professionals. People are not throwing away the scientific tradition of forestry in their principles, but they are making sure forest management and policy are value-driven, not just science-based (Bentley 1995).

Perry Hagenstein (1995) reminds us of John McGuire's insight--the national forests are an experiment in land management. The experiment continues to this day. We are still not sure why we have national forests or what we want from them.

I agree with Perry--the danger to this experiment is not with the Sagebrush rebellion or others who argue for disposing of the national forests. It is with "...the basic conflicts in views, weaknesses of planning approaches in getting agreement on balancing conflicts, and the continuing crisis caused by the budget deficit phantom that could weaken public support for the national forests." I think all concerned interests should reflect on the vision and principles generated by the Seventh American Forest Congress and on the open process used for the dialogue. In both the results and process is some wisdom about how to reconcile conflicts and how to live with uncertainty and ambiguity.

Literature cited

- Bentley, William R. and Langbein, William. 1996. *Final Report--Seventh American Forest Congress*. Office of the Forest Congress, Yale University. 64 p.
- Bentley, William R. 1995. *Knowing ourselves: changing definitions of the forestry profession*. J. Forestry 93(1): 12-15.
- Craig, Senator Larry. 1996. *June 20, 1996 letter to Dan Glickman, Secretary of Agriculture* [re: results of oversight hearings on federal forest management]. 10 p.
- Giltmier, James. 1996. *American forestry research*. Draft in progress.
- Hagenstein, Perry R. 1995. *Whither or whether the national forests?: some reflections of an unreconstructed forest economist*. 1995 Pinchot Distinguished Lecture, Pinchot Institute for Conservation, Grey Towers, Milford PA. 20 p.
- Office of the Forest Congress. 1995. Video training tape for facilitators of local roundtables. New Haven, CT.
- Pinchot, Gifford. 1947. *Breaking new ground*. New York: Harcourt, Brace and Company. 522 p.
- Schiff, Ashley. 1960. *Fire and water: scientific heresy in the Forest Service*. Cambridge: Harvard University Press.

Endnotes

¹ My thanks to Jim Giltmier, Joyce Berry, and Fred and Edith Wilhelm for comments on earlier drafts

² For more information on the Forest Congress and current activities, please contact Robert Clausi, Forest Congress Information Center (FCIC), 205 Prospect Street, New Haven CT 06511; 203-432-5117 or fax 203-432-3809. Copies of the *Final Report* can be obtained from FCIC for \$7.50.

³ I am indebted to Rex McCullough for this clear list of four rules.

⁴ Note that a very similar principle received 71% agreement, but is not listed among the top ten because of the overlap. It states, "Conflicts over forest issues will be resolved through nonviolent processes."

⁵ My thanks to Neil Sampson for telling me this story and allowing me to use it.

C

C

C



