

THE LONG AND WINDING ROAD



A BRIEF HISTORY OF PUBLIC LAND MANAGEMENT

The early pioneers of conservation did not have modern science to draw from when establishing our nation's public lands. To understand the need for an expansion of the protected area network, it is helpful to look first at the original intent of agencies created to manage our public lands and trace their evolution and effectiveness to the present. Such an understanding will help determine if these agencies have evolved over time, adapting to changing circumstance, in order to stay true to their conservation mandate, and if they have the capacity and the determination to protect these lands as healthy contiguous ecosystems into the future.

At the dawn of the 20th century, citizens and public officials began to realize that it was in the nation's interest to protect our natural resources from wholesale liquidation by an unchecked private sector. From the early 17th century to the middle of the 19th century, America's forests were considered unlimited and renewable. At this time most forests were cleared to create agricultural land, with the timber being used mostly for construction. For nearly 200 years, the Maine Woods provided nearly all the commercial demand without excessive drain. By the 1850s the ever-increasing rate of cut had depleted the Maine Woods and was successively replaced by heavy logging in New York, Pennsylvania, Michigan, Minnesota and Wisconsin as the principle suppliers of prime timber, up through about 1900. The dominant method of logging

was clearcutting. Consequently, widespread erosion, floods and rampant forest fires were the direct result of commercial logging of the unclassified public domain lands. The problem did not go unnoticed.

The first action was taken through policy and law, setting aside land that was to become the foundation for America's contemporary network of public lands. In 1889, Secretary of the Interior Carl Schurz addressed the American Forestry Association, stating that the unchecked and widespread destruction of the public forests "would be the murder of our future prosperity." He described "a public opinion, looking with indifference on this wanton, barbarous, disgraceful vandalism; a spendthrift people recklessly wasting its heritage; government careless of the future and unmindful of a pressing duty."¹⁷

In 1891, responding to the concerns of Secretary Schurz and other public land reformers, Congress enacted the Forest Reserve Act giving the president the authority to administratively withdraw and designate land as national forest reserves with the primary economic activity being limited to grazing, not timber production.¹⁸ However six years later in 1897, the stage was set for these reserves to be managed not only for continuous timber supply, but also for watershed protection, when Congress passed the Organic Act. In 1905, Congress moved the various forest reserves into the Department of Agriculture's new Forestry Division, which was renamed the U.S. Forest

Service in 1907 and designated the reserves as national forests.

Early governmental attempts to protect America's lands evolved into three of the four federal land agencies that today manage public lands: the U.S. Forest Service; the U.S. Fish and Wildlife Service; and the National Park Service. The fourth, the General Land Office, created in 1912 and renamed the Bureau of Land Management in 1946, was originally intended to sell land in the public domain to private citizens.

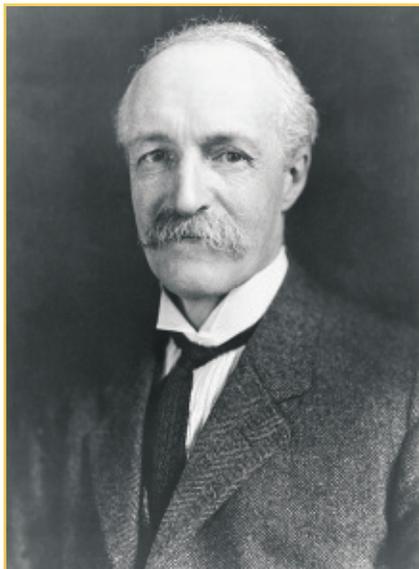
As stated, national "forest reserves," later to become our national forests, were created to prevent extensive erosion, devastating floods, watershed destruction and catastrophic fires that were the direct result of unrestrained logging in the private sector.¹⁹ Wildlife refuges were set aside to protect birds and other wildlife from the overexploitation wrought by commercial hunters, and national parks were established to preserve the undeveloped scenic wonders of the nation.

Today, one-third of the nation's landmass, 631 million acres, is under the management of these agencies, each with a different management priority stretching along a spectrum from strict preservation to full-scale resource extraction. With few exceptions, most of America's federally controlled forests fall under the jurisdiction of the U.S. Forest Service, the Bureau of Land Management or the National Park Service.

There are 155 national forests in the United States covering 191 million

acres of forested land stretching from Alaska to Puerto Rico.²⁰ Approximately 73 percent of this land, or roughly 140 million acres, is considered forested.²¹ The Bureau of Land Management manages approximately 55 million acres of commercial forest land.²² The National Park Service manages 388 national parks, covering more than 80 million acres including forested and non-forested land. The U.S. Fish and Wildlife Service administers 93 million acres in the National Wildlife Refuge System [For a more detailed description of the various public land designations, see the User's Guide to Federal Land Protection].

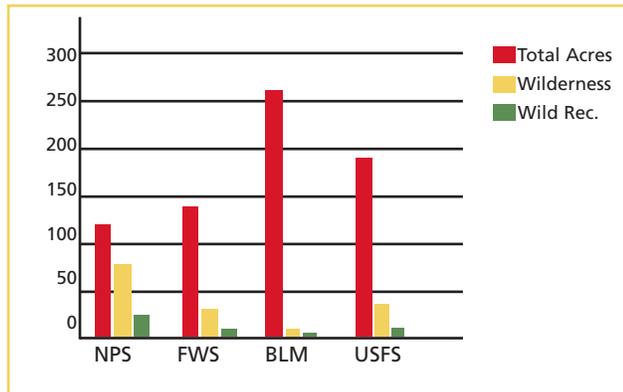
Historically, it has been either the Forest Service or the National Park Service that has administered America's public forested lands. The major exception to this rule is the BLM, which, as the result of a revoked Congressional contract with railroad companies in the early 1900s, acquired some of the last



Gifford Pinchot (1865-1946)
First Chief Forester
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remaining old-growth forests in the Pacific Northwest that are today primarily logged for timber. The lion's share, however, of publicly owned forests remain under the jurisdiction of either the Forest Service or the Park Service. Interestingly, the philosophies of two

Chart of Public Land Acreage



early advocates of these federal land programs exemplify the divergent and fundamental differences between these two agencies today.

Gifford Pinchot, the first Chief Forester (1898-1910), promoted sustained-yield timber management under the principles of multiple-use forestry that he defined as the "greatest good for the greatest number for the longest time."²³ His was a decidedly utilitarian position, but it was still a significant improvement over the wanton waste and rapid logging that had characterized timber cutting on private lands prior to the establishment of the National Forest System.

John Muir, founder of the Sierra Club and a vocal spokesperson for wilderness in his time, stood in contrast to Pinchot, as the chief spokesman for and author about the "preservation" of wild lands. Muir served as a popular public voice of the basic aesthetic philosophy that emphasized preservation of wilderness while allowing compatible public enjoyment through recreation, education, appreciation and inspiration.

These two divergent management philosophies continue to differentiate the missions of the Forest Service and the National Park Service today. Then and today, the distinction between national forests and national parks is that parks do not allow commercial logging, hunting, grazing, oil and gas extraction or mining, while national forests allow all of these commercial extractive activities. The one excep-

tion is in Alaska where hunting is allowed within some national parks under the 1980 Alaska National Interest Lands Conservation Act.

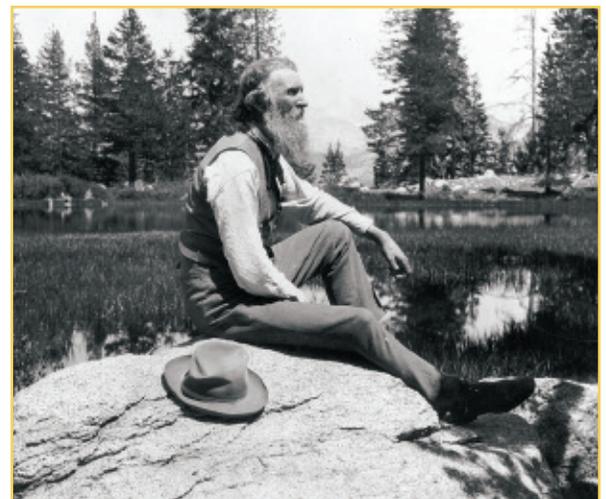
In the early 20th century, the Forest Service was proactive in meeting its mission "to sustain the health, diversity, and productivity of the nation's

forests and grasslands to meet the needs of present and future generations." Furthermore, Forest Service employees such as Aldo Leopold and Bob Marshall passionately championed wilderness values within the agency.

However, history has shown that the agency has been extremely susceptible to industry manipulation and the changing political winds of passing administrations that have ingrained an overwhelming timber bias within the agency. Spurred by public concern over Forest Service practices, temporary reforms have been enacted by one administration, only to be wiped away by subsequent administrations, resulting in continued long-term mismanagement of our national forests. Today a century after the agency's establish-

John Muir (1838-1914)
Founder of the Sierra Club

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ment this relentless exploitation has left us with only 15 percent of biologically rich old-growth forests. In the lower 48 states, less than five percent remains.²⁴

As noted above, there have been pivotal moments in history when deep criticism of Forest Service practices led to some change. However, the effectiveness of these reforms were commonly watered down or circumvented by industry lobby, its congressional allies or a pro-timber administration. For example, in the early 1970s, four events opened the public's eye to the Forest Service's shortsighted policies.

Both the 1970 Bolle Report and the 1971 Church Report originated from widespread public concern over the Forest Service timber bias. Both criticized the agency for disregarding the protection of environmental services like watershed and soil protection. The 1973 U.S. District Court case, *Izaak Walton League v. Butz* and the two Roadless Area Review and Evaluation processes (known as RARE I and RARE II) set in motion opportunities for real reform, but for the most part status quo extraction practices still dominate today.

Izaak Walton League v. Butz ruled, based on an interpretation of the 1897 Organic Act, that clearcutting was illegal in the Monongahela National Forest in West Virginia. After losing an appeal, the Forest Service responded



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“I recognize the right of this generation to develop and use our natural resources, but I do not recognize the right to waste them, or to rob by wasteful use, the generations that come after us.” - Theodore Roosevelt, speech in Washington, D.C., 1900

with a calculated political move of shutting down all timber sales across the Southeast. The political firestorm that ensued eventually led to the 1976 National Forest Management Act (NFMA), a compromise agreement.

While NFMA guaranteed public participation and required that each national forest operate according to a long-term management plan, Congress provided few explicit guidelines allowing the Forest Service to police itself, giving it broad management discretion for its timber program.²⁵ The task of specific rule making was delegated to a special committee of respected neutral forestry professors – known as the “Wise Men.”²⁶

In 1980 the Wise Men released a comprehensive set of rules, which if implemented, could have dramatically reduced the strong logging bias within the Forest Service.²⁷ However, the administration of the newly-elected President Ronald Reagan simply rewrote the Wise Men's rules keeping the Forest Service status quo intact.

The two simultaneous Forest Service Roadless Area Review and Evaluation processes, RARE I and RARE II, emerged from the burgeoning wilderness and environmental movement of the early 1970s, which had influenced Forest Service policy by forcing it to take into account the impacts of industrial activities on wilderness proposals. In response, the Forest Service initiated the Roadless Area Review and Evaluation for all roadless areas in order to determine which area should qualify as wilderness.

Grey Wolf

However, when the study was completed in 1972 both supporters of wilderness and logging were unsatisfied. As a result, a second study known as RARE II was initiated. RARE II identified 62 million acres of roadless areas larger than 5,000 acres. However, by the time the RARE II study ended in 1979, approximately two million acres of this land had logging roads constructed and timber sales. Congress did pass a series of wilderness bills for each state that had RARE II areas (except Idaho and Montana), creating some wilderness areas. Some of the RARE II areas not designated as wilderness were roaded and logged, others remained intact and were protected under Clinton's Roadless Area Conservation Rule.

With the election of Ronald Reagan, the 1980s were characterized by increased logging, below-cost timber sales, and the building of more logging roads. The result was increased entrenchment of timber industry influence over the Forest Service.

The period was typified by the Undersecretary at the Department of Agriculture, John Crowell, a former Louisiana Pacific executive who unabashedly stated, “One of my major initiatives has been to speed up harvest of slow-growing or decadent, over-mature timber stands in the Pacific Northwest, the old-growth.”²⁸

The public reaction to the public lands timber boom of the 1980s once again resulted in widespread discontent, due in large part to the massive destruction of old-growth forests in the Pacific Northwest, and the scientific discovery of old-growth-dependent

species such as the Northern spotted owl. Newly-elected President Bill Clinton responded by establishing an 18-month moratorium on road construction in national forest roadless areas in 1999 and directed the Forest Service to prepare an environmental impact statement on any future road construction in roadless areas.

In 2001, after 600 public meetings and more than 2.5 million people in 50 states had commented, President Clinton enacted the Roadless Area Conservation Rule. The rule prohibited road-building in more than 58.5 million acres of unspoiled national forests while allowing hunting, fishing and recreation to continue. However, this would not last.

Just as President Reagan had rewritten the Wise Men rules, President George W. Bush reversed and started

to dismantle campaign promises by starting to dismantle the landmark "Roadless Rule" shortly after taking office. In July 2003, the administration exempted Alaska's Tongass and Chugach National Forests, America's largest and second largest national forests, from the rule.

One year later, the administration announced its proposal to replace the rule nationwide with a state petition system. Under the plan each state will be removed from the rule, requiring individual state governors to petition the U.S. Department of Agriculture if they wish to opt back in. The Department of Agriculture reserves the right to refuse any request. Undersecretary Mark Rey, a former 18-year timber industry lobbyist, is likely to make the ultimate decision on any petition.

History shows that the Forest Service has taken a radical departure from the ideals of men like Pinchot, Leopold and Marshall. In a recent analysis of eastern national forests, Jim Furnish, a 34-year Forest Service employee and once Deputy Chief of the U.S. Forest Service (1999-2001), argued that today the Forest Service deliberately minimizes and eliminates opportunities to protect the last intact roadless forests in the eastern United States. Furnish cites "repeated, fundamental, and willful errors" in following the agency's own regulations revealing "a growing anti-wilderness bias within the Forest Service that results in deeply flawed recommendations" presented to Congress.²⁹

Myths and Realities about National Parks

Myth: National parks are being loved to death.

Reality: The assertion that parks are not a viable conservation option because they are overrun with people is false. All development within parks occupies less than one percent of the total land base. Even areas such as the South Rim Village of Grand Canyon National Park occupy less than one percent of the park. Most of the remaining land is either statutory or de facto wilderness, and will be managed that way in perpetuity, by policy, regulation and law.

Making the best-known spots within a park available to many visitors gives national parks a potent political constituency that significantly helps the National Park Service (NPS) secure funding for its work. Keeping the vast majority of park lands undeveloped—park policy for more than 100 years—is the reason that national parks provide better biodiversity protection than any other federal land designation.

Myth: Existing national parks are too expensive, so how can we afford more?

Reality: It is true that none of the public land agencies are receiving sufficient funding from Congress to manage our public lands well. However, because of its popularity, the National Park Service fares considerably better than its sister agencies. For the establishment of new parks, such as Congress transferring a national forest to the National Park Service, the cost would not be a wholly new federal expenditure, since the personnel, maintenance and operational funds now being expended by the Forest Service should be transferred along with the land.

Myth: National parks' land acquisition takes funding away from operation and maintenance of existing parks.

Reality: The Land and Water Conservation Fund (LWCF), established in 1965, funds land purchases for any of the

four federal land managing agencies. LWCF revenue is derived from a restricted account in the U.S. Treasury, provided from outer continental shelf oil and gas leasing royalties. The LWCF receives some \$900 million per year of these royalties, and Congress appropriates as much of this as it chooses to each of the agencies.

Over the life of the LWCF, the NPS has received far more than the other three agencies combined, both because of its greater popularity, and because Congress has specifically authorized park boundaries, including private lands that the NPS is directed to purchase at fair market value. LWCF funds cannot be used for maintenance and operations of federal lands, and thus, do not compete with these other activities for needed funding in the appropriations process. Taxpayer funds, as is often asserted, do not get diverted from management and maintenance of public lands to acquire additional acres of public lands.