



National Forests: History 1

1800-1891: Disposition Era

- Open access to forests

1891-1911 Pinchot Era: Establishing the Forests

- 1891 Forest Reserve Act: President can create reserves
- 1897 Organic Act: Est. Forest Service
- 1905 Transfer of Forests from Interior to Agriculture
- 1911 Weeks Act: Acquisition of Eastern forestland

1911-1945 Post-Pinchot: Custodial Era

- Forest Service develops expertise mystique
- Timber is dominant use but demand low
- Iron triangle: Forest service, timber industry/communities, Western Congressional delegation



Harrison-R

Cleveland-D



T. Roosevelt-R



CONSERVATION TONIC



J. N. Darling, Des Moines Register

National Forests: History 2

WWII to Earth Day 1970: Getting out the Cut

- Increase in timber demand for war supplies; post-war housing boom
- Recreational visitors increase
- Lots of clear cutting

1970 to 1993: Pluralist Forest Policy Regime

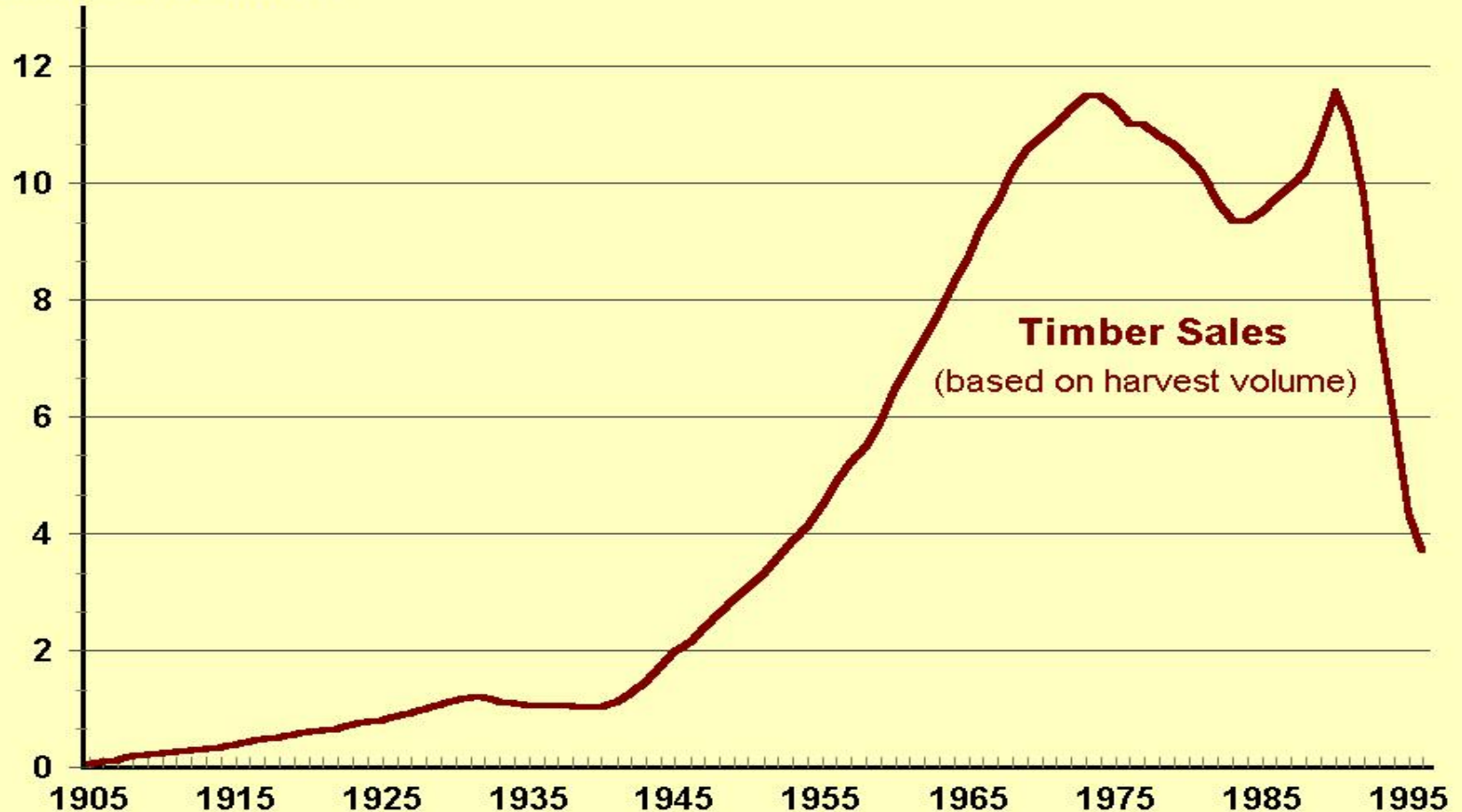
- National Forest Management Act of 1976
- Judicial scrutiny

1993-Now: Post-Spotted Owl

- Conflicts over ESA
- Reduced timber harvest in NW
- Reforms of Forest Service Planning

Historic National Forest Timber Sale Levels

billions of board feet



*Timber sale levels are based on rolling average harvest volume from 1905 through 1996.
Conversions from cubic foot to board foot measures are approximate.
Data Source: USDA Forest Service "Cut & Sold Reports"*



Public forests
account for 29% of
US Timberland, but
2% of harvest—this
has been declining
over time

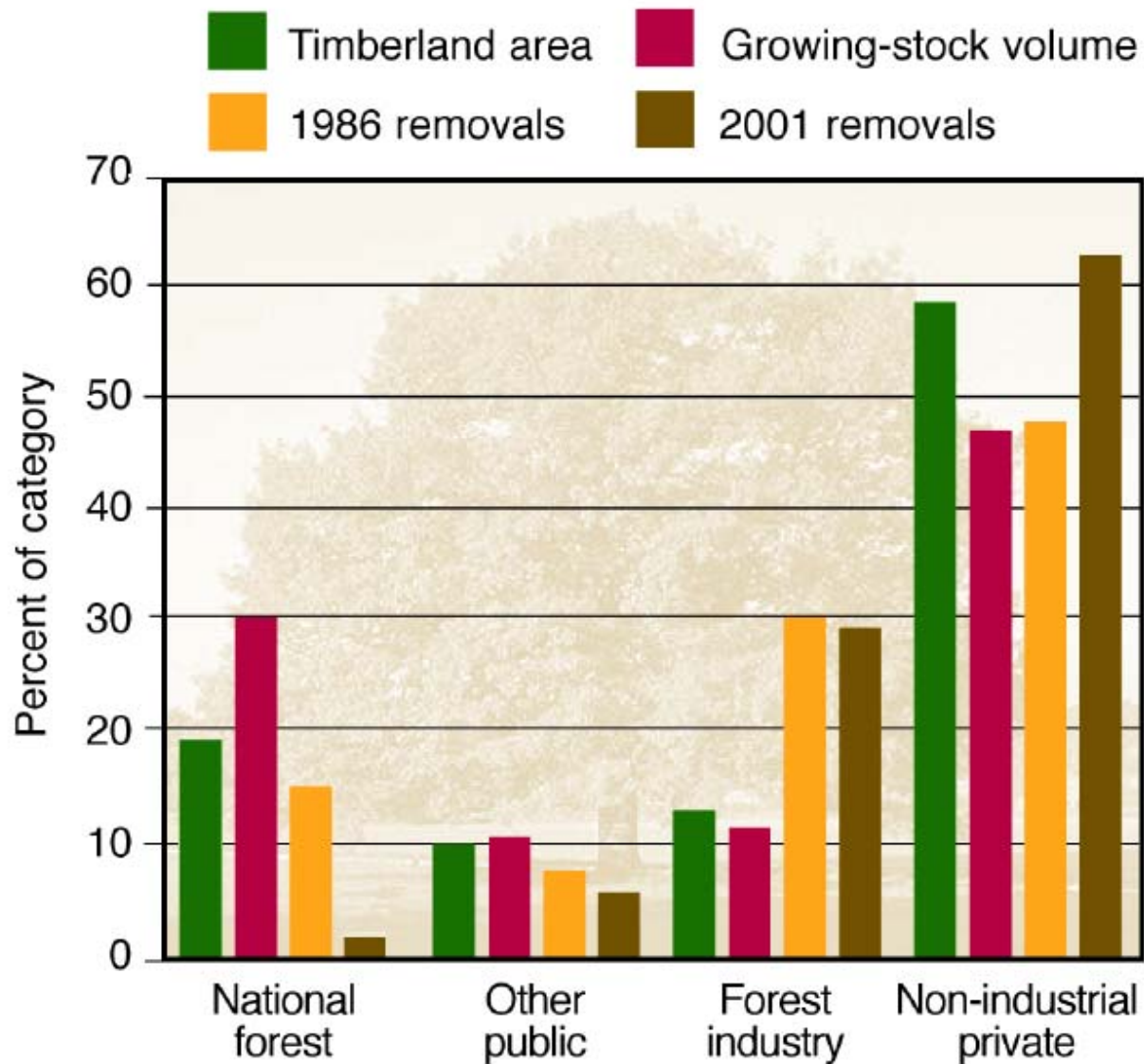
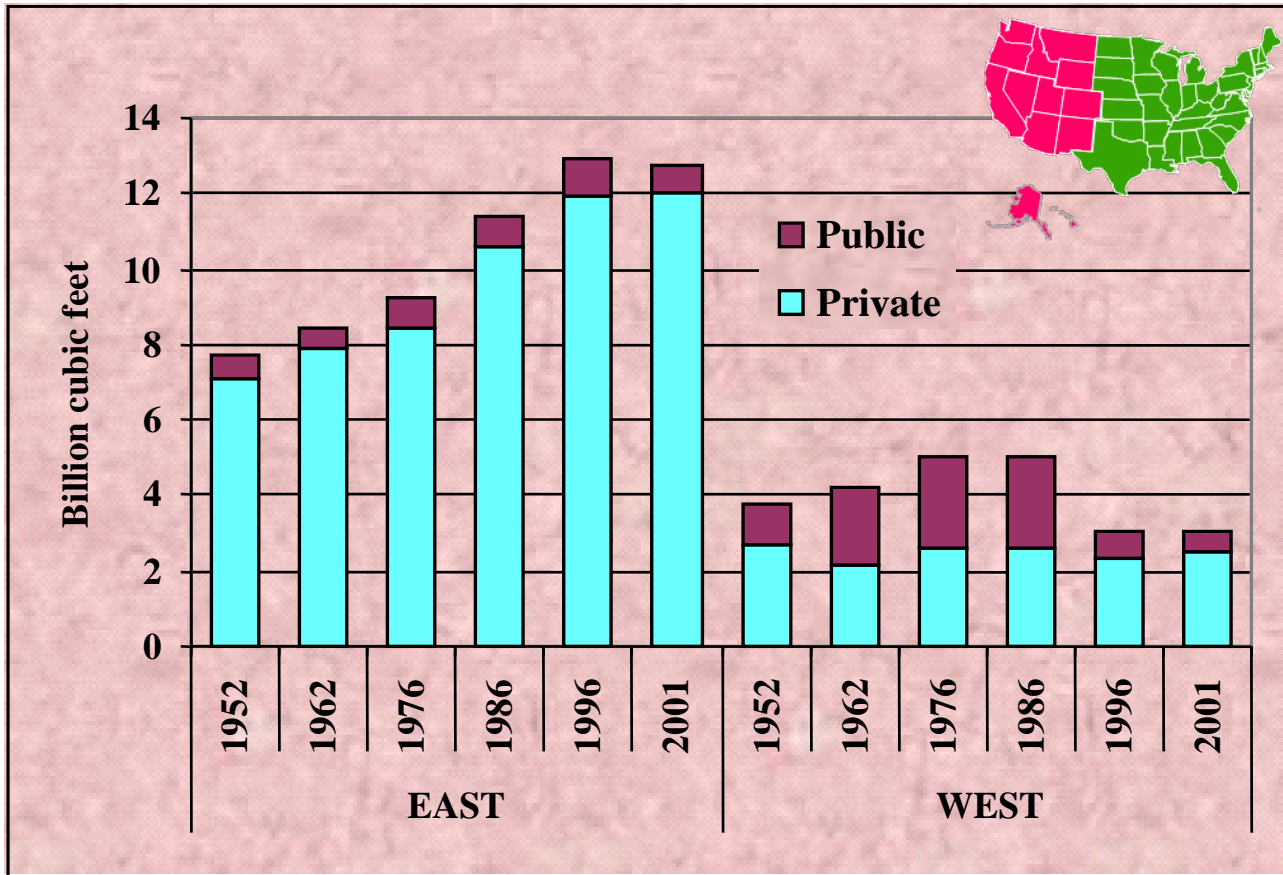


Figure 14—*Proportion of timberland area, growing-stock volume, and harvest volume by ownership group, 2001.*

Growing stock harvest by major owner, region and year



As public policy has shifted, removals have moved dramatically from public land in the West to private land in the East in the last 15 years.

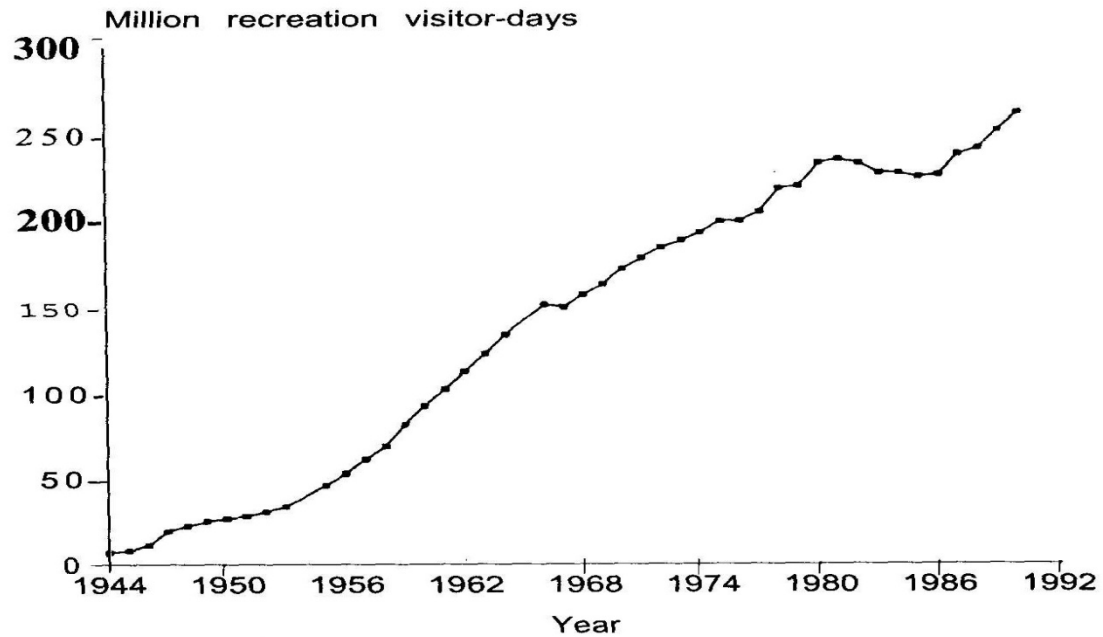
[Click here for additional historic data on U.S. Timber Production, Trade, Consumption, and Price Statistics 1965-2002.](#)

Source: [National Report on Forest Resources](#)

[Return to FIA Home](#)

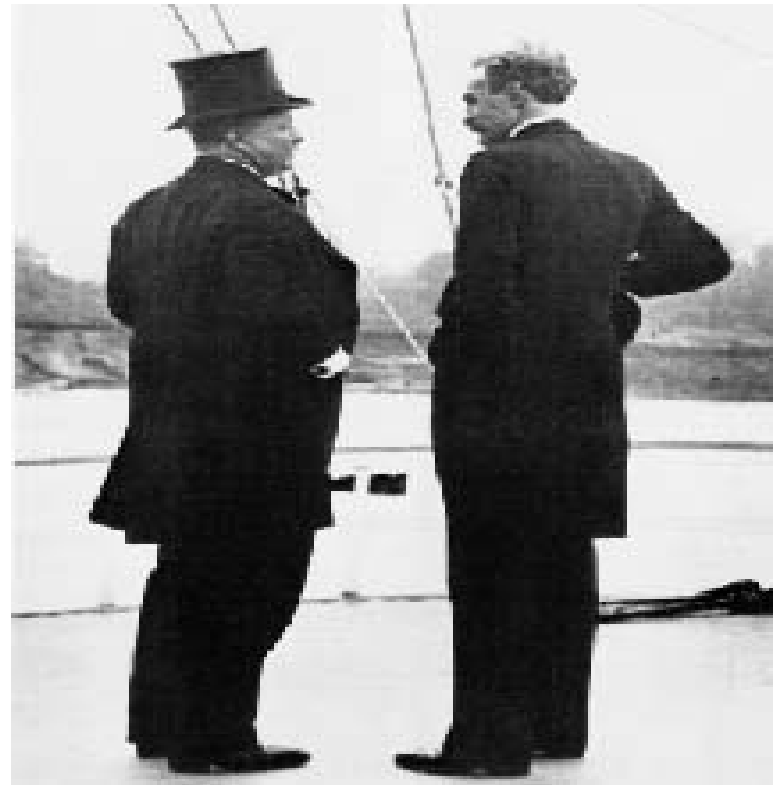


Figure 3-2—Recreation Use of the National Forests



SOURCE: U.S. Department of Agriculture, Forest Service, *Report of the Forest Service* (Washington, DC: U.S. Government Printing Office, annual series),

Gifford Pinchot: “The Grand Master”



The Pinchot Letter

for Forest Service personnel, 1909

In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people, and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for *use*, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the *conservative use* of these resources in no way conflicts with their permanent value.

You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and livestock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run.²⁴

... 111 ... evidenced in

Czar Pinchot and His Cossack Rangers Administering the Forest Reserves

CRIMES BY REGULATIONS

- 1. THE OWNERS OF STOCK THAT STRAYS UPON FOREST RESERVES WILL BE FINED AND IMPRISONED.
- 2. NO STOCK CAN FEED ON THE PUBLIC RANGE WITHOUT PAYING A HEAD TAX.
- 3. EVERY PERSON WHO CUTS TIMBER ON FOREST RESERVES FOR ANY PURPOSE, WHATEVER DOES SO AT HIS PERIL.
- 4. SETTLERS WITHIN FOREST RESERVES ARE UNDESIRABLE CITIZENS.
- 5. WILD GAME IS OF MORE IMPORTANCE THAN PROSPECTORS OR SETTLERS.

GIFFORD PINCHOT.
CHIEF FORESTER



Early Governing Statutes

1897 Organic Act

- Somewhat a backlash to “preservation” idea of Forest Reserves
- Goal: “To improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber...”
- Forestry Division authorized to “regulate use and occupancy”
- Authorized sale of “dead, matured, or large growth trees” that had been “marked and designated before sale”

1960 Multiple-Use and Sustained Yield Act

- Directs Forest Service to administer the forests for “outdoor recreation, range, timber, watershed, and wildlife and fish purposes”
- Statutory recognition of “multiple-use” concept; legal basis for ongoing recreation/wilderness management
- Preserved agency discretion; seen by many as method of maintaining timber dominance

National Forest Management Act 1976

Impetus

- *Monongahela* case, 1975: Clearcutting violates Organic Act; harvest of unmarked, live trees
- Bolle and Church reports; Senate commissions in response to clearcutting, esp. in Bitterroot; suggested conditions for clearcutting

Three Basic Functions

- Establishes a forest planning process that requires forest plans for every forest, updated every 15 years
- Substantive guidelines for resource management:
 1. “Suitability” requirements limits harvesting to environmentally and economically suitable lands; clearcutting allowed only where optimum
 2. “Non-declining even flow” management
 3. “Viability” regulation for protecting biodiversity—key for preventative ecosystem management
- Expansion of public participation

Forest Planning

Nuts and Bolts

- Drafted by every forest, approved by Regional Forester
- Adheres to NEPA, with discussion of multiple alternatives
- Plans must adhere to MUSYA principles
- Plans must include a Resource Planning Act alternative, that relates to national resource production goals
- Interdisciplinary planning teams
- Resource inventories and identification of physically suitable lands
- Programmatic guidelines, including plan for timber sale program and allowable cut
- Forest plans are primary guidance for on-the-ground decisions, including timber sales

Forest Planning Steps

- Basic steps from 1982 regulations (Loomis)
 1. Identification of issues, concerns, opportunities: Public comments
 2. Development of planning criteria: How decisions are made
 3. Data collection: Resource inventory data needs
 4. Analysis of management requirements: Land classification, models, management actions (including FORPLAN, linear programming)
 5. Formulate alternatives: NEPA, No-action, RPA
 6. Estimate costs/benefits (and 7)
 8. Selection of preferred alternative
 9. Implementation
 10. Monitoring/Evaluation
- Planning regulations just revised; reflect more ecosystem management and collaborative principles
- Some forests have finished, others in progress



Getting Out the Cut

How a Timber Sale Works

- Each Nat. Forest has an allowable sale quantity (aggregated into National cut)
- Forest plans also describe a timber sale program
- Individual sales can be found on “Schedule of Proposed Actions”
- Once a sale is advertised, must go through NEPA process and then awarded to highest bidder
- Federal forests account for 29% of US timberland base, and 11% of harvesting. Nat. Forest: 19% of land, 5% of harvest (1997 figures)
- About 26% of all Nat Forest land is deemed suitable for timber harvest



Bureaucratic Incentives for Timber Dominance

Incentives for Timber Dominance

- Since 1908, Law requires 25% of timber sale receipts be returned to states for use in county roads and schools
- Knutson-Vandenberg Act 1930: A portion of timber receipts goes directly back to forest, supposedly for reforestation (1994: \$911m in timber sales, \$215m goes to K-V funds=24%; some sales quite higher; 2/3 of reforestation dollars come from KV funds
- Major question: Has Forest Service broken the iron triangle, or is it still timber dominant, captured by timber industry?



Dollars in Millions

1400

1200

1000

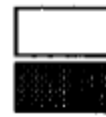
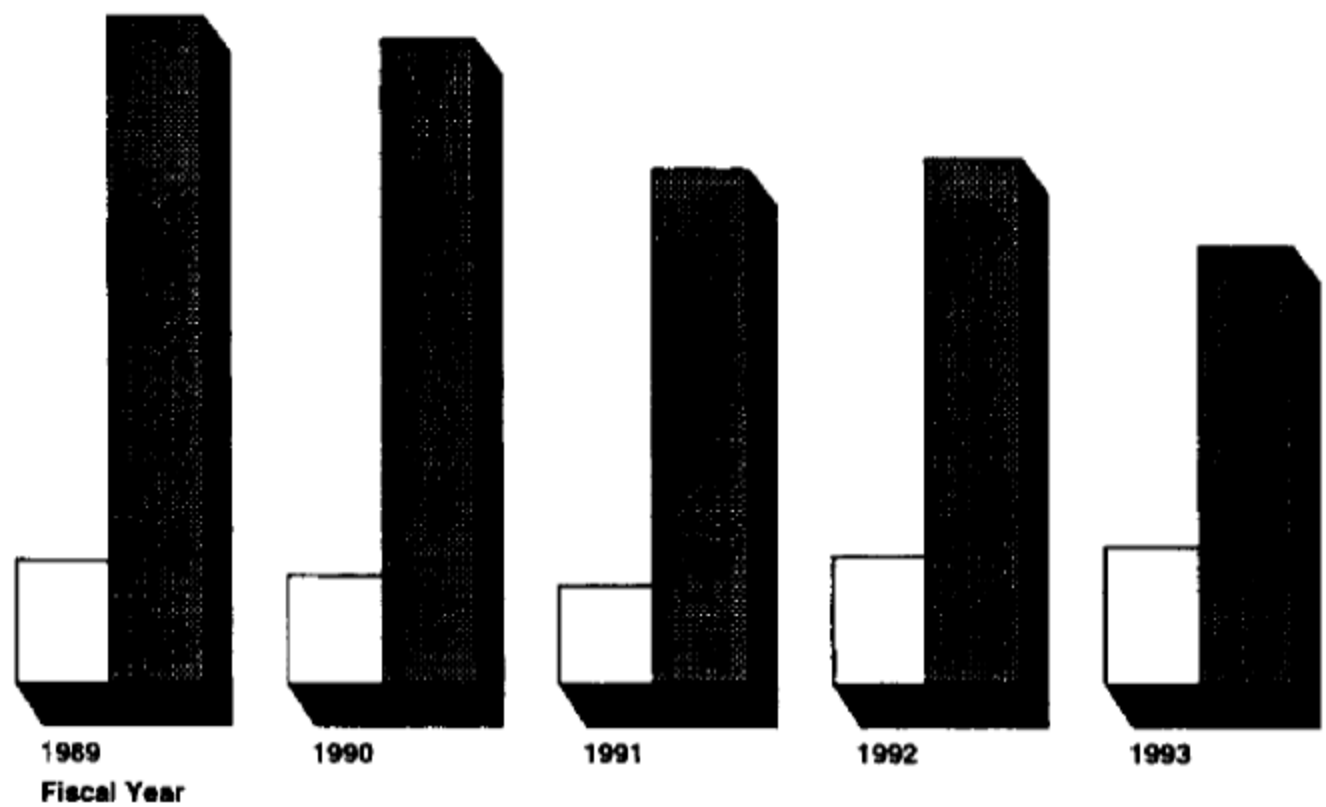
800

600

400

200

0



K-V Receipts

Total Timber Sale Receipts

GAO/RCED-94-257 Knutson-Vandenberg Program

Source: Forest Service.

Klamath National Forest Timber Harvest Plan

Table C-2. Allowable Sale Quantity and Timber Sale Program Quantity (Annual Average Volume for the First Decade)				
Harvest Method	Allowable Sale Quantity*			
	Sawtimber		Other Products	
	MMCF	MMBF	MMCF	MMBF
<i>Regeneration Harvest:</i>				
Green Tree Retention (GTR)	5.1	34.1	0	0
Group Selection	1.0	6.9	0	0
<i>Intermediate Harvest:</i>				
Sanitation	0.5	3.3	0	0
Salvage	1.0	6.7	0	0
Total Allowable Sale Quantity	7.6	50.9		
MMCF = Million Cubic Feet		MMBF = Million Board Feet		
*Includes only chargeable scheduled volumes from suitable lands, rounded to the nearest 0.1 MMCF and MMBF.				

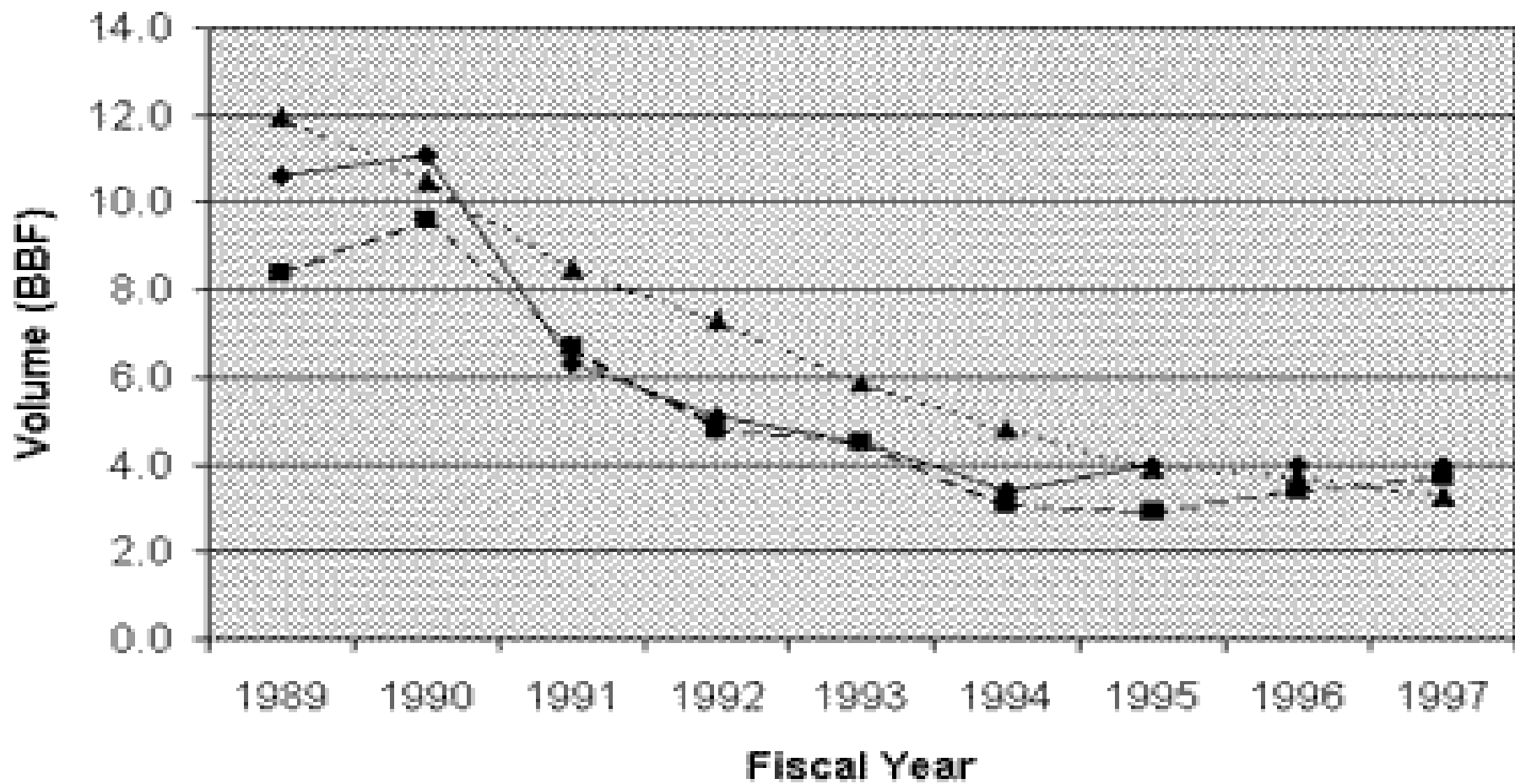


Table 1. Use of Knutson-Vandenberg Funds Since FY1980 (in millions of dollars)

Fiscal year	Total Expenditures	Reforestation	Stand Improvement	Other Uses
1980	75.00	55.10	19.90	0.00
1981	92.78	67.13	19.32	6.33
1982	84.01	62.89	14.90	6.22
1983	116.85	66.30	20.35	30.20
1984	118.00	68.90	21.90	27.20
1985	120.70	70.76	19.33	30.64
1986	156.09	67.11	18.74	70.24
1987	196.69	91.49	28.09	77.11
1988	238.00	114.12	31.13	92.75
1989	237.06	113.79	30.82	92.45
1990	217.31	115.61	30.32	71.38
1991	196.54	103.31	35.28	57.95
1992	247.07	122.07	43.50	81.50
1993	252.62	124.81	44.48	83.33
1994	222.02	125.00	35.28	61.74

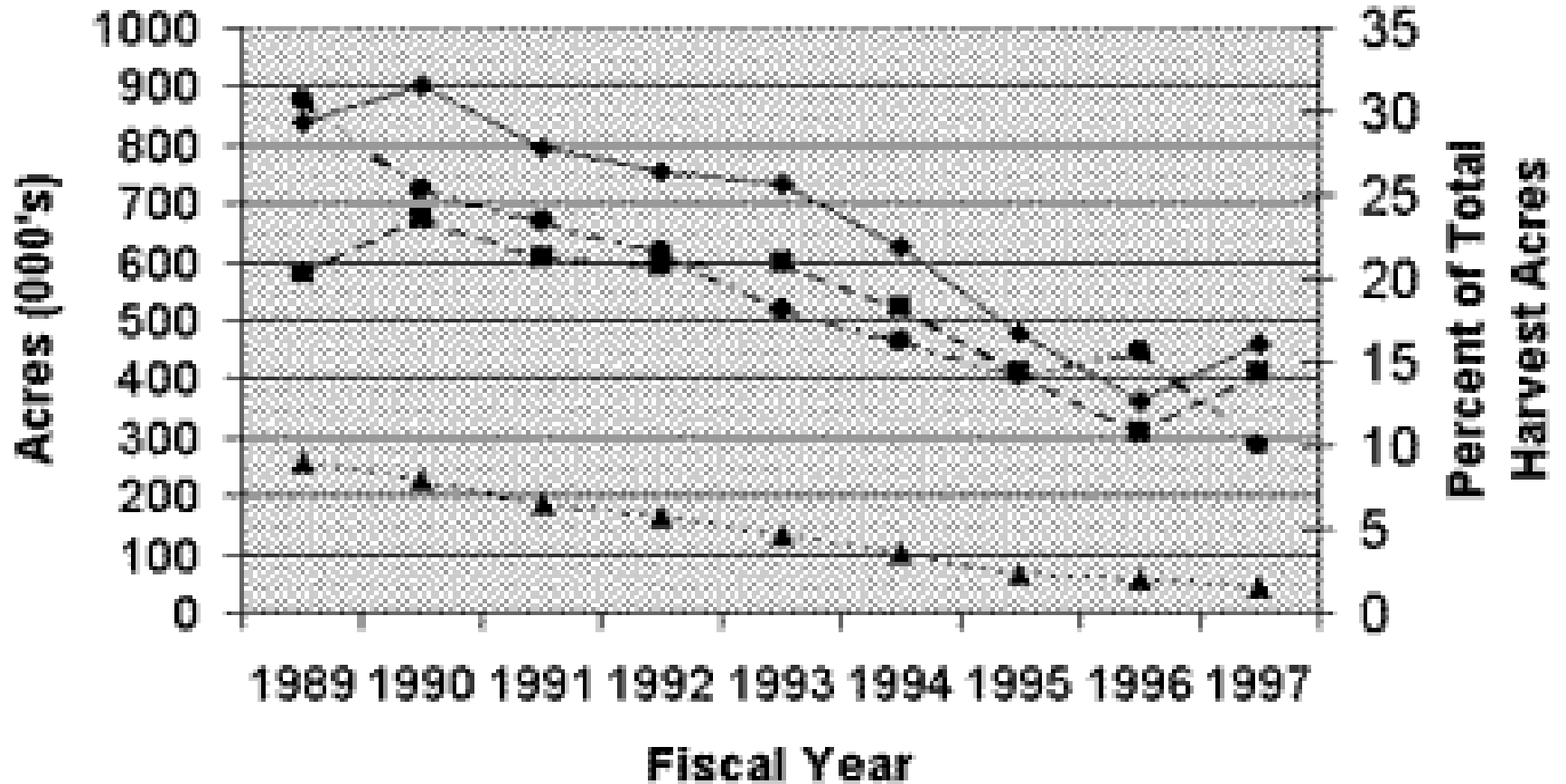
Recent Trends in Harvest

(source: Timber Sale Program Information System Annual Report)

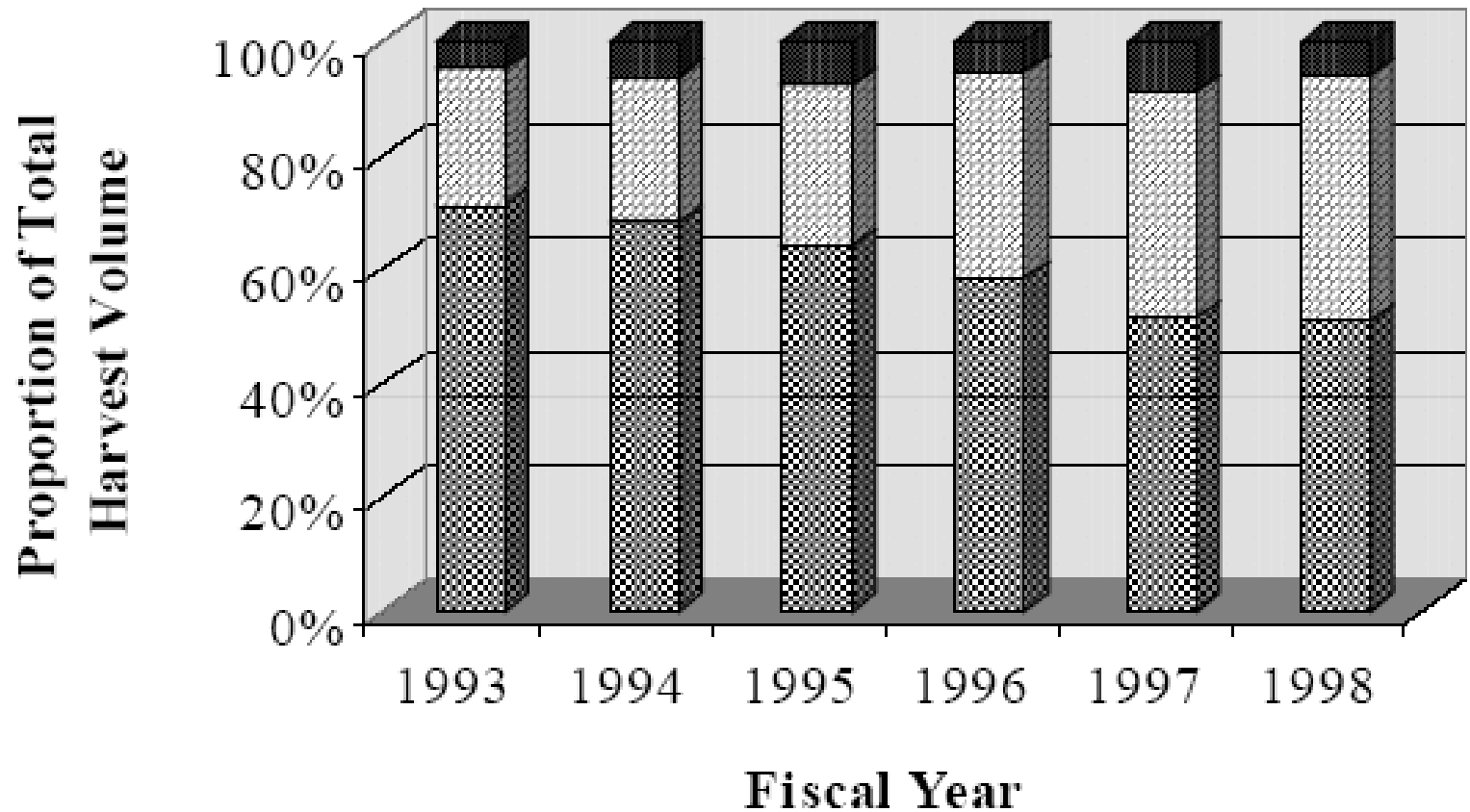


—◆— Offer - - ■ - - Sold ···▲··· Harvest

Recent Trends in Methods



Recent Trends in Forest Stewardship Harvesting



■ Timber Commodity

■ Forest Stewardship

■ Personal Use



Below-Cost Timber Sales

- Revenues gained from timber sales are below cost of administering the sale (1998: Forest Service lost \$125m)
- Below-cost sales concentrated in forests with low timber values and/or high operating costs
- Concentrated in certain areas: Alaska, Rockies, Southeast, Lake States, New England
- Between 1989-1993: 77 of the 120 forests lost money; 43 with net profits
- Six reported losses over \$10 million: Klamath (OR); Flathead (MT); North Carolina Forests; Tongass (AK), Bitterroot (MT)
- Profitable ones in Northwest; 5 forests with profits over \$100 million
- Problem appears to be worsening due to increased costs, decreased revenues

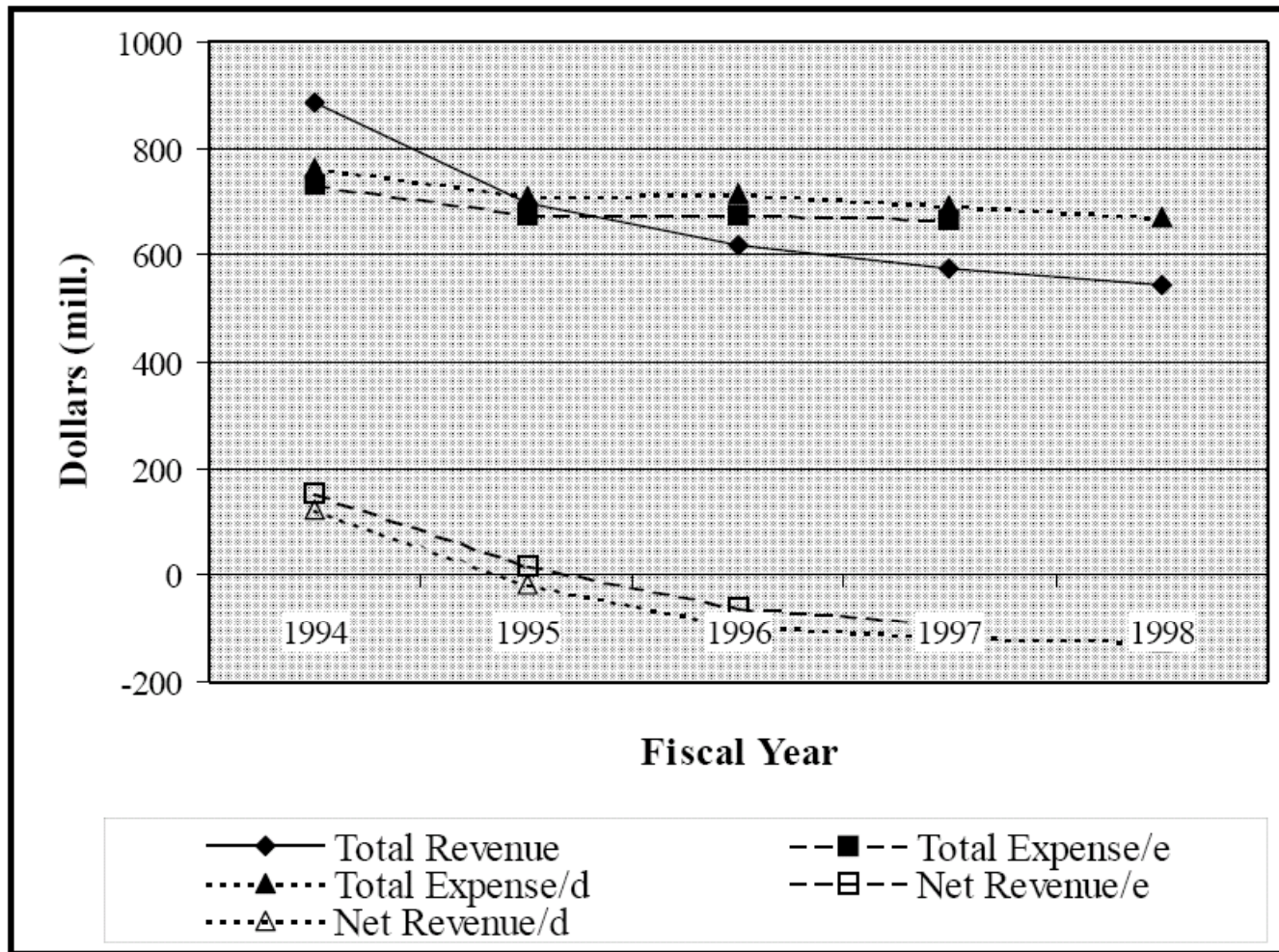


Figure (18) – Trend in Timber Sale Revenues, Expenses, and Net Revenues Given Different Methods of Accounting for Road Prism Costs



Current Events

Northwest Forest Plan

- Northern Spotted Owl and other endangered species
- Injunctions on timber sales; viability regulation
- Clinton's forest summit
- Regional plan amends individual forest plans; slows down logging in PacNW

Sierra Nevada Framework

- California Spotted Owl
- Protected Activity Centers
- Conflict between Quincy Library Group
- New revisions under Bush administration increase amount of logging and size of trees

Healthy Forests Restoration Act

- Streamlining salvage sales and thinning projects
- Fire control
- Removal of NEPA and other requirements (categorical exclusions)
- Greenwashing?

The “Appeals Logjam”


- Forest Service and extractive industries have been claiming that environmental appeals and lawsuit are preventing forest projects
- [GAO analysis](#)
- 7/05 lawsuit: FS must allow appeals on all significant projects, even if categorically excluded under NEPA
- Bush administration rule extended categorical exclusions to timber acres less than 1000 acres and salvage up to 4200
- Enviros sued, judge agreed, then FS then stopped *all* categorical exclusions, including things like cutting XMAS trees



GAO Report on Appeals and Litigation

GAO-03-689R Forest Service Fuels Reduction

- 762 fuel reduction decisions in FY 01/02; 457 categorical excluded, 305 appealable
- 180 were appealed; 59% of appealable, 24% of all; 83% of those appealed went forward
- Appeal rates were higher in roadless areas, lower in urban-wildland interface
- 23 were litigated (3%, 100,000 acres); 3 reversed, 5 settled, 1 upheld (means plaintiffs tend to do better in court)
- 79% of appeals were processed within prescribed 90 days; 21% were not processed within 90 days with median processing time 119 days
- 84 interest groups and 29 private individuals represented in appeals



communities. The 1982 NFMA Regulations therefore provide that “[f]ish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area.” *Id.* § 219.19; *see also id.* § 219.27(a)(6) (requiring Forest Service to “[p]rovide for adequate fish and wildlife habitat to maintain viable populations of existing native vertebrate species”). They define a “viable population” as “one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area” and specify that “habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.” *Id.* § 219.19.

1982 NFMA Regulations provide that “certain vertebrate and/or invertebrate species present in the area shall be identified and selected as management indicator species” based upon a finding that “their population changes are believed to indicate the effects of management activities.” *Id.* § 219.19(a)(1). The regulations further provide that “[p]opulation trends of the management indicator species will be monitored and relationships to habitat changes determined.” *Id.*



New Planning Regulations: 2007

- Excludes forest plans from NEPA analysis; NEPA analysis now at the project level
- Eliminates many prescriptive standards from forest plans; project no longer required to comply with plans
- Eliminates the “viability” standard, replaces it with vague language regarding ecosystem diversity without requirements to survey and manage “indicator species”
- Replaces requirement to follow best available science with requirement to “consider” best available science
- Originally promulgated in 2005 without EIR or ESA analysis; courts throw out for procedural grounds
- New rules will be litigated for compliance with NFMA