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National ~~Forests~~: Deep Trouble, Opportunities for Reform

1. Topic and Problem. The 191 million acres of America's National Forest (and the two plus million acres of federal forests managed by the Bureau of Land Management) constitute one of the grandest holdings of public forests on Earth. However, they have been so severely mismanaged by the U.S. Forest Service, as to now constitute one of the greatest scandals and blots on the record of the Reagan/Bush Administrations. Because of the overwhelming, if not sole, emphasis by the foresters acting under Bush/Reagan orders, the ecosystems of the forests are in shreds and tatters; record numbers of species are going extinct; watersheds are ruined; recreation opportunities are being destroyed; reforestation is a failure in many places; and able professionals who dare to protest are summarily fired, or transferred to non-significant jobs. Of all the bankrupt "environmental" policies or programs of the Reagan/Bush era, the situation affecting our National Forests is the most visible, the most easily attacked, has the most public support and recognition, and cries out for major reform.

2. History of problem; background of Forest Service and forest system. Of all the issues affecting the American environment, it is the forest issue which is of longest standing, stretching way back into the later years of the 19th century. The United States' National Forest System, established as a result of the National Forest Organic Act of 1897, filled out by a series of Executive Orders by President Teddy Roosevelt in the early 1900's, and institutionalized in 1905 by the creation of the U.S. Forest Service to administer it, was the first such legislated institution in the world. Created out of the fear of many opinion leaders, including the President himself, that all the nation's forest lands would be seized by the timber industry, and alarmed by the dramatic erosion, destruction of watersheds, and devastation of forest fires which followed the indiscriminate logging of the time, our government created a new model: the U.S. National Forest System. At 191 million acres and 154 specific administration units, National Forests are found in every state except Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Delaware. With about 40,000 employees, and annual budget of close to \$2 billion, and administered by a professional forester, known as the Chief, chosen from the ranks, this Agency has long been considered one of the best in the federal service. Traditionally it has had a special esprit d'corps, a powerful sense of its own mission, and a unique "corporate culture," which has been the subject of many articles in the popular and academic media.

History has shown that the creation of the National Forest System was a most fortuitous act of foresight. The owners of the remaining 400 million acres of private forest land have, with just a few exceptions, completely liquidated their own stands of primeval, ancient forest, with all its attendant biodiversity and species richness; the tide of civilization has literally lapped up to the fringes of most of the remaining public holdings. While the problems facing the National Forest System, often caused by the Forest Service itself (see below) are now severe and in need of drastic reform, the fundamental fact remains: that if these lands had not been kept in the public domain, their special and unique benefits of wilderness, wildlife, recreation, water quality, and production of commodity resources, would largely be denied to the public now. As it stands,

the National Forests are often the only repository of rare and endangered species, especially those which depend upon significant remaining tracts of interior forest (e.g. the northern spotted owl); they furnish the best, most even flows, and the cleanest water for communities and farmers and ranchers which surround the generally mountainous National Forest areas; they provide free public hunting and fishing, and spiritual refuge for millions.

The National Forests are administered under just a few basic laws:

- The Organic Act of 1897, which states the purpose of the National Forest is to be "protected from fire and ax, and to furnish a continuous supply of timber and water . . ." The timber industry often only quotes the last two phrases, but the first -- "protect" is extremely important in the current context, too.
- The Multiple Use Sustained Yield Act of 1960. Essentially this Act makes an official declaration that all uses (recreation, grazing, watershed, wildlife, and timber) are equal, and none is to be more important than the other. This is a vague law, and has never been tested out in any court; as some put it, it has "loopholes to drive a logging truck through." Nevertheless the fundamental policy principle is there: no use has primacy over any other. As we shall see, this principle has been observed most often in its breach.
- The National Forest Management Act of 1976. This, along with its sister act, the Resources Planning Act of 1974, sets forth voluminous requirements for planning and public participation in preparation of future National Forest plans; it sets forth specific resources that the Agency must plan to protect -- e.g. biodiversity, soils, wildlife, and has limits on the size of clearcuts and other forest practices. Once again, the law is full of many loopholes and vague words, such as "where possible," and "if feasible . . ." Nevertheless, this law has been applied by the courts, to force a recalcitrant and reluctant Agency to consider and protect other resources than timber. For example, it is the primary law which has been enforced in recently obtained court injunctions which stopped timber sales until the Forest Service adequately protects habitat of the endangered spotted owl.

Philosophy of Forest Service. The operating philosophy of the Forest Service is derived from the beliefs and writings of Gifford Pinchot, a Swiss who moved to this country in the 1870s, bringing with him the basic tenets of the emerging principles of "scientific forestry," as they were then being implemented in Central Europe. This science, itself a reaction to previous centuries of overcutting, soil loss, and timber famine, argued that forests could indeed be managed as a "crop" similar to any other agricultural crop; and if treated in the same way, they could produce continuous "crops" of wood, forever. Such principles involved getting rid of the "weed trees" (undesirable commercial species), monoculture plantations, intensive thinning, applications of fertilizer where necessary and economically feasible, and suppression -- on a landscape scale -- of fire, disease, and insect pests.

Pinchot brought this new science and its principles to the United States, became governor of Pennsylvania, came to the attention of President Roosevelt, and became one of his closest confidants. Pinchot's zeal was one of the

primary influences upon Roosevelt's establishment of the system in its first place; and so it was appropriate that Pinchot became its first Chief. As Chief, he set the basic pattern of the Forest Service's approach to forests, which has now lasted for the whole of this century.

These principles -- that there is always the danger of a timber famine, so that wood production is the most important mission of the forest; that clearcutting on a large scale, followed by replanting of "desirable" species in monoculture plantations, is a most desirable way of getting that wood as fast as possible; that it is possible to grow "crops" of trees forever by applications of thinning, fertilizer, and suppression of fire, disease, and insects, again on a vast scale -- were also taught in all the forestry schools of the nation, up to this day. While such teachings and philosophy reached their peak of application and understanding in the 1950s and 1960s, by and large those managers of the forest system who are making the decisions today -- especially at the Washington, D.C. level -- are still in charge, still applying these now outdated philosophies.

3. Current Status: recent developments. What is the situation out there on the ground in the National Forest now, after a century of application of these philosophies and basic laws by this "elite" agency, with its "unique corporate culture?"

In a word, and almost with no exceptions, it is disastrous. The results are disastrous for the forest environment and its biodiversity, as any plane flight over any of the western mountain regions where most of the forests are located, will attest: vast spaghetti-like networks of logging roads lace across every mountainside, and deep into every mountain valley and canyon; what was once a magnificent dark green carpet of untouched virgin forest stretching from the mountains down into the lowlands now is scarred with a vast proliferation of clearcuts, ranging from 100 to 20 acres in size, connected by the logging roads, and looking as if an army of giants moths has attacked it. The *New York Times* on June 11 published two contrasting photos released by NASA, one from the Brazilian rainforest in the Amazon, and one of the Mt. Hood National Forest in Oregon. The Amazon forest showed mostly the dark green carpet of standing trees, with some logging patches; the Mt. Hood National "Forest" picture showed hardly any forest, just a vast sea of clearcuts.

The impacts upon native wildlife and fisheries have been equally disastrous. The case of the northern spotted owl is well known, but it is only one of many species which are endangered or imperiled because of the overwhelming emphasis of the Forest Service upon timber production, at the sacrifice of every other value. Of the 214 races of salmon in the Pacific Northwest, 70 are now listed as being endangered, four are nearly extinct, and much of the blame is placed upon logging in the high watersheds where the salmon -- and other anadromous fish -- once spawned.

Everywhere, east and west, north and south, similar tales of environmental destruction, on a landscape scale, abounds. The basic reason for this is the Forest Service's own "unique corporate culture," and its "sense of mission," as

it proudly defines it to itself: there will be a timber famine, it is our mission to get the logs out of the woods, and to grow crops of trees forever.

While the professional foresters of the Agency see it this way, the public emphatically does not.

And that is the second disaster: a gross loss of public confidence, and an uproar, indeed a revolt, in nearly every National Forest and forested region of the country. There is not a single National Forest, of all the 154 in the country, that now does not have its own local citizen's action group -- often many groups -- furiously protesting, appealing timber sales, trying to bring the logging juggernaut to a halt, trying to get the Forest Service to at least obey the environmental laws, when it conducts timber sales. They not only appeal, but they go to court -- and they usually win -- and it is usually conservative Reagan or Bush appointed judges, who enforce the law of the Agency against itself.

This is in fact a lawless agency and a lawless Administration at the present time. Let us listen to the words of Judge William Dwyer of Seattle (appointed by Ronald Reagan in 1987) as he issued his first injunction against further liquidation of the ancient forest on National Forest lands in western Washington and Oregon: "The problem here has not been any shortcoming in the laws, but simply a refusal of administrative agencies to comply with them. This invokes a public interest of the highest order: the interest in having government officials act in accordance with the law."

Other specific recent developments:

- Regional Forester of Region number one (Idaho/Montana), John Mumma, fired because he told the Administration that he could not cut as many trees as they demanded, and still comply with environmental laws; other forest supervisors in the same region were threatened or fired also for same reasons. (Fall 1991)
- Secretary of Agriculture (in charge of National Forests) Madigan announces plans to eliminate citizen appeals of National Forest system. The reason: too many citizens around the country, by filing appeals of patently illegal timber sales, are preventing the Agency from delivering logs to the industry as fast as industry wants. (Announced March 1992; not yet implemented)
- Secretary Madigan, announcing farm program at agricultural convention: ". . . more money, more markets, and string all the environmentalists up." (July 1992)
- Department of Interior (Fish and Wildlife Service) responds to environmentalists' petition to list the spotted owl as an endangered species, by refusing (1987); environmentalists file suit, and in an landmark decision, a judge forces the Agency to list it; Agency lists in 1990, thus triggering legal requirement for Agency to come up with a "recovery plan."
- Agency releases its "recovery plan" which calls essentially for extermination of the owl in about 50 percent of its range -- patently illegal. Because it is

illegal, Secretary of Interior Lujan announces his intention to go to Congress to override the Endangered Species Act. (May 1992)

- Administration "God Squad" announces plans to log several thousand more acres of habitat necessary for the survival of the spotted owl. (May 1992)
- Various bills in Congress to protect ancient forests; leading House and Senate Republicans in appropriations and authorizing committees (Gorton, Hatfield, Packwood, Don Young, etc.) unanimously oppose strong protection legislation, advance the Administration's "extermination plan."

4. Major predictable events in next few months.

- Efforts to pass some ancient forest legislation. Expect Administration and leading Hill Republicans to promote Administration "extermination plan;" to suspend judicial review and citizen's right to appeal; and to claim credit for protecting workers (when it is really their clients in the timber industry).
- Major Hill action expected on "salvage" legislation, in appropriations or authorizing committees. (See analysis below). This is very bad legislation.
- Secretary Madigan may finalize his rule, eliminating the citizen's appeal process.
- Forest Service will continue full-scale logging program as much as it can get away with.

5. Key issues/analysis.

- Protection of ancient forest. What is at stake is the remnants (about five million acres out of 50-60) of America's ancient forest in the three west coast states. Essentially all of it that remains is on federal lands; only ten percent is protected. Scientists say that the wildlife that depends on it is going extinct, not just the owl. Forest Service refuses to protect anything significant, has been forced to do so by court order. Bush Administration aims at getting maximum logs out, is promoting an illegal "recovery" plan. Labor (led by Carpenters Union) and industry favor the illegal plan, Democratic Governors of Oregon and Washington oppose it, as do environmentalists. While Northwest Democrats oppose the Administration plan, some (Norm Dicks, Tom Foley) favor unacceptably weak counter-proposals; others (Les AuCoin, Peter DeFazio, Jim McDermott) favor progressively stronger ones. Expect major battle in House/Senate this year. Senators Brock Adams and Patrick Leahy favor very strong protection (S. 2895).
- "Salvage" legislation. Unable to get around court orders restricting logging in remaining ancient forest, industry and Republicans are seeking to cut down more trees through this device. While cloaked in the more politically acceptable language of "dealing with insects, disease, and fire," the legislation gives the Forest Service/timber industry literal carte blanche to log anywhere

they want to, using this disguise. Expect efforts in House and Senate either by appropriation rider or authorizing legislation.

- Elimination of citizen appeals. (See above analysis of Madigan's efforts to eliminate citizen's rights to appeal.) Promoted heavily during the Administration's drive to keep its conservative clientele during Ross Perot's candidacy, we have heard less about this since he dropped out. Madigan can sign such an order at any time; while within his legal rights, it is such a blatant pro-industry/anti-environment denial of ordinary rights of citizens, that it is easily attacked. Legislation is introduced in Congress to institutionalize the appeals process.
- Bad forest practices in general. When under great pressure in Rio to come up with something "environmental," Bush seized upon forest policy as the place. On successive days, the Chief of the Forest Service announced that they were going to "phase out clearcutting," and "institute ecosystem management." We can expect to hear a lot about this during the election campaign. In fact, the claims to have done these things are false and hollow. A close analysis of the actual text of the announcements indicates that all of them have loopholes big enough to drive logging trucks through. It would be typical of the Bush Administration: business as usual, get the logs out and destroy the environment, while claiming to be "environmental." The Forest Service is still hell-bent to log off as much of the National Forest as it can, no matter what the constraints -- and is only stopped by court order.
- Log exports. One-fourth of all the wood cut every year in Washington and Oregon is exported directly overseas to the Pacific Rim, from private and state lands (not from National Forests). This would produce 18,000 American jobs, if this traffic was halted or slowed down. The Bush Administration steadfastly refuses to interfere with the desires of its big timber industry clientele in any way. Expect efforts on floor of House or Senate to attach log export restriction provisions to any bills.
- 6. Administration policy. (See above). Whether it is liquidation of ancient forest and wildlife habitat, firing or transferring officials who stand up to enforce the environmental laws, bending every effort to supersede the laws themselves and promote illegal plans, liquidating centuries-old ecosystems and rare habitats, denying citizens right to appeal, and generally destroying the forest while making false claims to do otherwise, this administration is no different than that of Reagan, and is easily is the worst in this century.
- 7. The solution. If there ever was a great land system with so much promise, then so dashed, it is the National Forest System. If there ever was an agency which started with so much promise and idealism, and now has become so completely captured by the industry it was supposed to regulate, it is the U.S. Forest Service. If there ever was a time and a place for a large-scale public reform, to get us into real environmental policies and programs for the 21st century, it is here.

Here are some specific measures that the Clinton Administration should consider:

- Cleanse the Agency of those whose policies have brought it, and the forests, to moral and environmental bankruptcy. The philosophy of the Chief, his Chief's deputies and assistants, and most others at top decision-making levels overwhelmingly reflect the premise of "get the logs out, whatever the cost." This is not good forestry, it is not good environmental policy, and it will not protect timber-dependent communities, because it perpetuates the all too familiar "boom and bust philosophy." The Forest Service cannot be reformed by passing only new laws; without new personnel, willing to implement new policies, nothing will work.
- Divide up the Forest Service; the "New Zealand Solution." In 1987, faced with problems similar to ours on its National Forests, the New Zealand Parliament divided up the Agency: one-third, containing the "forest plantations," went to a quasi-public timber corporation, to grow and harvest trees as efficiently and quickly as possible. The other two-thirds went to a stewardship agency, to protect wildlife, watershed, recreation, etc. This is probably a much better solution than trying to ask this agency to be all things to all people. It has failed at doing that, and only emphasizes getting logs out.
- Pass protective laws: laws protecting ancient forest, mandating (without weasel words) protection of ecosystems, mandating elimination of clearcutting in favor of more sensitive forestry management, mandating no logging on steep slopes, poor soils, mandating protection of watershed values. A few simple changes in the Forest Management Act would do it, if the political will was there.
- Change personnel policies. At present, every career forester's personnel file includes an evaluation of how well he "gets the cut out." This, plus this person's presumed loyalty to the "corporate culture" (also emphasizing timber) are the two main factors that determine the success of a person's career. You don't get to be a supervisor, or Regional Forester, unless you demonstrate that you are willing to get the logs out. This can be changed, so that persons are evaluated on how well they protect and husband and take stewardship of the resources under their control.
- Change budget priorities. Budget requests sent up could eliminate below cost timber sales for example; could eliminate tax-payer funds to build logging roads for the industry, where it does not pay; could emphasize restoration and rehabilitation, instead of getting the logs out. There will be timber left to sell after that, but at last it will be on a sustainable basis. Laws like the Knutson-Vandenberg Act, which now dedicate a certain portion of funds received from cutting trees back into a local forest budget to do other things -- hence an incentive to log more and more to accomplish other goals, could be amended. We need to remove the incentives for foresters who would otherwise do the right thing, to do the wrong thing.

8. Likely questions; draft answers.

1. "The Bush Administration is trying to protect the ordinary working man, who depends upon logging the National Forest for a living . . . all these environmental policies will destroy workers livelihoods."

Answer -- The Administration's policies are guaranteeing liquidation of the forest resource, at a rate far beyond what can be sustained. While there might be jobs for a few more years, if their policies continue, there will be none. Anyone whose job depends upon liquidating the rest of the public's ancient forest, is surely going to be out of work in about five more years, at present rates of logging. Our proposals will return the forest to a sustainable basis.

Besides, timber jobs aren't the only jobs that depend on the forest. The salmon industry in the Northwest is a billion dollar industry, providing 60,000 jobs a year; the Administration's logging in forest watersheds is causing a rapid decline of this industry and those jobs. Farmers and ranchers depend upon the forest for water, and if it is logged too much, water flows don't come down the same way.

2. "The Forest Service is mandated by law to protect the environment; they surely wouldn't do it any differently."

Answer -- In fact, as Judge Dwyer has said (see above) the Forest Service has consistently refused to obey the law -- it has to be taken to court. Only when Reagan-appointed judges order the Forest Service to obey the law, will it do so; most of its internal documents and memos show its clear intention to cut down as many trees as possible, and violate the law. The latest Administration proposals for the spotted owl, or for administrative appeals, show its clear intention to change existing laws, because they are "too strong"!

3. "We already have enough forest protected; we need the rest for 'multiple use' (logging)."

Answer -- A lot of acres (about 35 million on National Forests) are protected as part of the National Wilderness Preservation System. However, only about one-tenth of those acres have any big trees on them at all -- the vast majority of wildlife and biologically rich forest are outside of any protected system, and are scheduled by the Forest Service for logging.

4. "If we implement the Clinton/Gore environmental proposals, our nation will run out of wood."

Answer -- there are about 400 million acres of privately owned lands, including timber industry lands, which can be and are being managed to provide America's wood needs. We are a wood-wealthy nation. Even if all the National Forests were no longer logged, we would have plenty of wood. In fact, one-fourth of all the trees cut in the Pacific Northwest right now are exported directly to Pacific Rim countries

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MEMORANDUM

TO: Katie McGinty
Brooks Yeager
Doug Hall

FROM: Will Martin

DATE: August 19, 1992

Pursuant to my recent telephone conversation with Doug Hall, I spoke with my friend George Frampton, President of the Wilderness Society, on August 18. As I mentioned to Doug, I believe George is one of the brightest spokespersons in the environmental community, and he can tap the economic studies which TWS has performed in connection with the Ancient Forests campaign.

George will be furnishing me with some data relating to the economic studies which TWS performed in the Ancient Forest campaign, which demonstrate that the decimation of the forests in the Pacific Northwest will hurt rather than help the employment situation there in the long term. Prior to Governor Clinton's recent trip to Seattle, Clinton spoke with George Frampton about this issue, and Frampton briefed him on the economic arguments in favor of preservation of the Ancient Forest. (A Seattle P-I editorial later praised Clinton for his in-depth knowledge of this issue.)

TWS also has some economic data regarding CAFE standards, and George will be furnishing that to me as well.

Additionally, I think George is an excellent general resource for purposes of developing the environment/economics part of the campaign. I told him that Brooks Yeager will be heading this effort, and I urge Brooks to make full use of George's resources.

I believe George could be very useful in connection with debate preparation on the environment/economics issues.

Speaking of debate preparation, George mentioned that you may want to consider using Bob Barnett of the law firm Williams & Connolly who was instrumental in debate preparation for Mondale and Dukakis.

George and I had a broad ranging discussion about the attacks which the Bush campaign may make on the environmental issues. George thinks Al needs to go on the offensive on environmental issues, and a strong offensive weapon could include a proposal to appoint an environment/development commission during the first 100 days of a Clinton-Gore administration, which would be charged with developing and promoting environmental entrepreneurship and jobs through new business opportunities and new technology associated with solutions to environmental problems. Also we can show how far behind the rest of the developed world the Bush Administration is in its thinking about environmental entrepreneurship. Europe and Japan are moving quickly to exploit business opportunities in this potential new world market, while the Bush Administration continues to complain about the cost of environmental regulation and repeat the false mantra that environmental protection means fewer jobs.

(Note: In connection with developing concrete examples of how European businesses are moving to exploit this potential new world market, I have spoken with our friend, Birgit Wolz, who is with the German Environmental Ministry and currently at Harvard for a one-year program. She will be speaking with her colleagues in Germany to gather anecdotal evidence of environmental entrepreneurship in Germany.)

In my conversation with George Frampton, he mentioned that he will be a speaker at the Conference on Environment and Development in New Mexico, to be held September 14-15 in Albuquerque. He noted that this will be an excellent forum for linking environment and jobs in a positive way, and that Al should consider speaking there. He received a cryptic fax yesterday from the New Mexico Governor's Office, indicating that Bill Reilly will be unable to address the conference, but hopefully Al could be persuaded to address it. Doug, can you speak with Al's scheduler about this possibility? George noted that Sandia Labs is located in Albuquerque, and it is one of the nations largest national laboratories; Al has previously mentioned the possibility of converting the work of national laboratories from a defense orientation to an environmental orientation. Perhaps he could go to Sandia Labs in connection with his visit to Albuquerque for the conference.

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primary influences upon Roosevelt's establishment of the system in its first place; and so it was appropriate that Pinchot became its first Chief. As Chief, he set the basic pattern of the Forest Service's approach to forests, which has now lasted for the whole of this century.

These principles -- that there is always the danger of a timber famine, so that wood production is the most important mission of the forest; that clearcutting on a large scale, followed by replanting of "desirable" species in monoculture plantations, is a most desirable way of getting that wood as fast as possible; that it is possible to grow "crops" of trees forever by applications of thinning, fertilizer, and suppression of fire, disease, and insects, again on a vast scale -- were also taught in all the forestry schools of the nation, up to this day. While such teachings and philosophy reached their peak of application and understanding in the 1950s and 1960s, by and large those managers of the forest system who are making the decisions today -- especially at the Washington, D.C. level -- are still in charge, still applying these now outdated philosophies.

3. Current Status: recent developments. What is the situation out there on the ground in the National Forest now, after a century of application of these philosophies and basic laws by this "elite" agency, with its "unique corporate culture?"

In a word, and almost with no exceptions, it is disastrous. The results are disastrous for the forest environment and its biodiversity, as any plane flight over any of the western mountain regions where most of the forests are located, will attest: vast spaghetti-like networks of logging roads lace across every mountainside, and deep into every mountain valley and canyon; what was once a magnificent dark green carpet of untouched virgin forest stretching from the mountains down into the lowlands now is scarred with a vast proliferation of clearcuts, ranging from 100 to 20 acres in size, connected by the logging roads, and looking as if an army of giants moths has attacked it. The *New York Times* on June 11 published two contrasting photos released by NASA, one from the Brazilian rainforest in the Amazon, and one of the Mt. Hood National Forest in Oregon. The Amazon forest showed mostly the dark green carpet of standing trees, with some logging patches; the Mt. Hood National "Forest" picture showed hardly any forest, just a vast sea of clearcuts.

The impacts upon native wildlife and fisheries have been equally disastrous. The case of the northern spotted owl is well known, but it is only one of many species which are endangered or imperiled because of the overwhelming emphasis of the Forest Service upon timber production, at the sacrifice of every other value. Of the 214 races of salmon in the Pacific Northwest, 70 are now listed as being endangered, four are nearly extinct, and much of the blame is placed upon logging in the high watersheds where the salmon -- and other anadromous fish -- once spawned.

Everywhere, east and west, north and south, similar tales of environmental destruction, on a landscape scale, abounds. The basic reason for this is the Forest Service's own "unique corporate culture," and its "sense of mission," as

it proudly defines it to itself: there will be a timber famine, it is our mission to get the logs out of the woods, and to grow crops of trees forever.

While the professional foresters of the Agency see it this way, the public emphatically does not.

And that is the second disaster: a gross loss of public confidence, and an uproar, indeed a revolt, in nearly every National Forest and forested region of the country. There is not a single National Forest, of all the 154 in the country, that now does not have its own local citizen's action group -- often many groups -- furiously protesting, appealing timber sales, trying to bring the logging juggernaut to a halt, trying to get the Forest Service to at least obey the environmental laws, when it conducts timber sales. They not only appeal, but they go to court -- and they usually win -- and it is usually conservative Reagan or Bush appointed judges, who enforce the law of the Agency against itself.

This is in fact a lawless agency and a lawless Administration at the present time. Let us listen to the words of Judge William Dwyer of Seattle (appointed by Ronald Reagan in 1987) as he issued his first injunction against further liquidation of the ancient forest on National Forest lands in western Washington and Oregon: "The problem here has not been any shortcoming in the laws, but simply a refusal of administrative agencies to comply with them. This invokes a public interest of the highest order: the interest in having government officials act in accordance with the law."

Other specific recent developments:

- Regional Forester of Region number one (Idaho/Montana), John Mumma, fired because he told the Administration that he could not cut as many trees as they demanded, and still comply with environmental laws; other forest supervisors in the same region were threatened or fired also for same reasons. (Fall 1991)
- Secretary of Agriculture (in charge of National Forests) Madigan announces plans to eliminate citizen appeals of National Forest system. The reason: too many citizens around the country, by filing appeals of patently illegal timber sales, are preventing the Agency from delivering logs to the industry as fast as industry wants. (Announced March 1992; not yet implemented)
- Secretary Madigan, announcing farm program at agricultural convention: ". . . more money, more markets, and string all the environmentalists up." (July 1992)
- Department of Interior (Fish and Wildlife Service) responds to environmentalists' petition to list the spotted owl as an endangered species, by refusing (1987); environmentalists file suit, and in an landmark decision, a judge forces the Agency to list it; Agency lists in 1990, thus triggering legal requirement for Agency to come up with a "recovery plan."
- Agency releases its "recovery plan" which calls essentially for extermination of the owl in about 50 percent of its range -- patently illegal. Because it is

illegal, Secretary of Interior Lujan announces his intention to go to Congress to override the Endangered Species Act. (May 1992)

- Administration "God Squad" announces plans to log several thousand more acres of habitat necessary for the survival of the spotted owl. (May 1992)
- Various bills in Congress to protect ancient forests; leading House and Senate Republicans in appropriations and authorizing committees (Gorton, Hatfield, Packwood, Don Young, etc.) unanimously oppose strong protection legislation, advance the Administration's "extermination plan."

4. Major predictable events in next few months.

- Efforts to pass some ancient forest legislation. Expect Administration and leading Hill Republicans to promote Administration "extermination plan;" to suspend judicial review and citizen's right to appeal; and to claim credit for protecting workers (when it is really their clients in the timber industry).
- Major Hill action expected on "salvage" legislation, in appropriations or authorizing committees. (See analysis below). This is very bad legislation.
- Secretary Madigan may finalize his rule, eliminating the citizen's appeal process.
- Forest Service will continue full-scale logging program as much as it can get away with.

5. Key issues/analysis.

- Protection of ancient forest. What is at stake is the remnants (about five million acres out of 50-60) of America's ancient forest in the three west coast states. Essentially all of it that remains is on federal lands; only ten percent is protected. Scientists say that the wildlife that depends on it is going extinct, not just the owl. Forest Service refuses to protect anything significant, has been forced to do so by court order. Bush Administration aims at getting maximum logs out, is promoting an illegal "recovery" plan. Labor (led by Carpenters Union) and industry favor the illegal plan, Democratic Governors of Oregon and Washington oppose it, as do environmentalists. While Northwest Democrats oppose the Administration plan, some (Norm Dicks, Tom Foley) favor unacceptably weak counter-proposals; others (Les AuCoin, Peter DeFazio, Jim McDermott) favor progressively stronger ones. Expect major battle in House/Senate this year. Senators Brock Adams and Patrick Leahy favor very strong protection (S. 2895).
- "Salvage" legislation. Unable to get around court orders restricting logging in remaining ancient forest, industry and Republicans are seeking to cut down more trees through this device. While cloaked in the more politically acceptable language of "dealing with insects, disease, and fire," the legislation gives the Forest Service/timber industry literal carte blanche to log anywhere

they want to, using this disguise. Expect efforts in House and Senate either by appropriation rider or authorizing legislation.

- Elimination of citizen appeals. (See above analysis of Madigan's efforts to eliminate citizen's rights to appeal.) Promoted heavily during the Administration's drive to keep its conservative clientele during Ross Perot's candidacy, we have heard less about this since he dropped out. Madigan can sign such an order at any time; while within his legal rights, it is such a blatant pro-industry/anti-environment denial of ordinary rights of citizens, that it is easily attacked. Legislation is introduced in Congress to institutionalize the appeals process.
 - Bad forest practices in general. When under great pressure in Rio to come up with something "environmental," Bush seized upon forest policy as the place. On successive days, the Chief of the Forest Service announced that they were going to "phase out clearcutting," and "institute ecosystem management." We can expect to hear a lot about this during the election campaign. In fact, the claims to have done these things are false and hollow. A close analysis of the actual text of the announcements indicates that all of them have loopholes big enough to drive logging trucks through. It would be typical of the Bush Administration: business as usual, get the logs out and destroy the environment, while claiming to be "environmental." The Forest Service is still hell-bent to log off as much of the National Forest as it can, no matter what the constraints -- and is only stopped by court order.
 - Log exports. One-fourth of all the wood cut every year in Washington and Oregon is exported directly overseas to the Pacific Rim, from private and state lands (not from National Forests). This would produce 18,000 American jobs, if this traffic was halted or slowed down. The Bush Administration steadfastly refuses to interfere with the desires of its big timber industry clientele in any way. Expect efforts on floor of House or Senate to attach log export restriction provisions to any bills.
6. Administration policy. (See above). Whether it is liquidation of ancient forest and wildlife habitat, firing or transferring officials who stand up to enforce the environmental laws, bending every effort to supersede the laws themselves and promote illegal plans, liquidating centuries-old ecosystems and rare habitats, denying citizens right to appeal, and generally destroying the forest while making false claims to do otherwise, this administration is no different than that of Reagan, and is easily is the worst in this century.
7. The solution. If there ever was a great land system with so much promise, then so dashed, it is the National Forest System. If there ever was an agency which started with so much promise and idealism, and now has become so completely captured by the industry it was supposed to regulate, it is the U.S. Forest Service. If there ever was a time and a place for a large-scale public reform, to get us into real environmental policies and programs for the 21st century, it is here.

Here are some specific measures that the Clinton Administration should consider:

- Cleanse the Agency of those whose policies have brought it, and the forests, to moral and environmental bankruptcy. The philosophy of the Chief, his Chief's deputies and assistants, and most others at top decision-making levels overwhelmingly reflect the premise of "get the logs out, whatever the cost." This is not good forestry, it is not good environmental policy, and it will not protect timber-dependent communities, because it perpetuates the all too familiar "boom and bust philosophy." The Forest Service cannot be reformed by passing only new laws; without new personnel, willing to implement new policies, nothing will work.
- Divide up the Forest Service; the "New Zealand Solution." In 1987, faced with problems similar to ours on its National Forests, the New Zealand Parliament divided up the Agency: one-third, containing the "forest plantations," went to a quasi-public timber corporation, to grow and harvest trees as efficiently and quickly as possible. The other two-thirds went to a stewardship agency, to protect wildlife, watershed, recreation, etc. This is probably a much better solution than trying to ask this agency to be all things to all people. It has failed at doing that, and only emphasizes getting logs out.
- Pass protective laws: laws protecting ancient forest, mandating (without weasel words) protection of ecosystems, mandating elimination of clearcutting in favor of more sensitive forestry management, mandating no logging on steep slopes, poor soils, mandating protection of watershed values. A few simple changes in the Forest Management Act would do it, if the political will was there.
- Change personnel policies. At present, every career forester's personnel file includes an evaluation of how well he "gets the cut out." This, plus this person's presumed loyalty to the "corporate culture" (also emphasizing timber) are the two main factors that determine the success of a person's career. You don't get to be a supervisor, or Regional Forester, unless you demonstrate that you are willing to get the logs out. This can be changed, so that persons are evaluated on how well they protect and husband and take stewardship of the resources under their control.
- Change budget priorities. Budget requests sent up could eliminate below cost timber sales for example; could eliminate tax-payer funds to build logging roads for the industry, where it does not pay; could emphasize restoration and rehabilitation, instead of getting the logs out. There will be timber left to sell after that, but at last it will be on a sustainable basis. Laws like the Knutson-Vandenberg Act, which now dedicate a certain portion of funds received from cutting trees back into a local forest budget to do other things -- hence an incentive to log more and more to accomplish other goals, could be amended. We need to remove the incentives for foresters who would otherwise do the right thing, to do the wrong thing.

8. Likely questions; draft answers.

1. "The Bush Administration is trying to protect the ordinary working man, who depends upon logging the National Forest for a living . . . all these environmental policies will destroy workers livelihoods."

Answer -- The Administration's policies are guaranteeing liquidation of the forest resource, at a rate far beyond what can be sustained. While there might be jobs for a few more years, if their policies continue, there will be none. Anyone whose job depends upon liquidating the rest of the public's ancient forest, is surely going to be out of work in about five more years, at present rates of logging. Our proposals will return the forest to a sustainable basis.

Besides, timber jobs aren't the only jobs that depend on the forest. The salmon industry in the Northwest is a billion dollar industry, providing 60,000 jobs a year; the Administration's logging in forest watersheds is causing a rapid decline of this industry and those jobs. Farmers and ranchers depend upon the forest for water, and if it is logged too much, water flows don't come down the same way.

2. "The Forest Service is mandated by law to protect the environment; they surely wouldn't do it any differently."

Answer -- In fact, as Judge Dwyer has said (see above) the Forest Service has consistently refused to obey the law -- it has to be taken to court. Only when Reagan-appointed judges order the Forest Service to obey the law, will it do so; most of its internal documents and memos show its clear intention to cut down as many trees as possible, and violate the law. The latest Administration proposals for the spotted owl, or for administrative appeals, show its clear intention to change existing laws, because they are "too strong"!

3. "We already have enough forest protected; we need the rest for 'multiple use' (logging)."

Answer -- A lot of acres (about 35 million on National Forests) are protected as part of the National Wilderness Preservation System. However, only about one-tenth of those acres have any big trees on them at all -- the vast majority of wildlife and biologically rich forest are outside of any protected system, and are scheduled by the Forest Service for logging.

4. "If we implement the Clinton/Gore environmental proposals, our nation will run out of wood."

Answer -- there are about 400 million acres of privately owned lands, including timber industry lands, which can be and are being managed to provide America's wood needs. We are a wood-wealthy nation. Even if all the National Forests were no longer logged, we would have plenty of wood. In fact, one-fourth of all the trees cut in the Pacific Northwest right now are exported directly to Pacific Rim countries