

Local Communities And The Management Of Public Forests

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Should the role of local communities in managing public forests be enlarged? Many groups that promote new partnerships between community stakeholders and management agencies clearly believe the answer is yes.¹ They believe nearby localities need to find new voices and ways to speak as one.

This idea is encouraged by an enchantment with localism.² At a time of increasing economic globalization, some are resisting change by concentrating on "home" places where one can understand what is going on and make a difference.

In response, the Clinton Administration is advocating "place-based or community-based management" and "adaptive management."³ These types of management would be molded by the shifting imperatives of place instead of national standards and perspectives. It is believed that conflict will be reduced by accommodating local desires.

The key to these new management regimes will be collaboration.⁴ Agencies will collaborate with community stakeholders to

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1. See, e.g., JONATHAN KUSEL ET AL., REPORT ON THE LEAD PARTNERSHIP ROUNDTABLE ON COMMUNITIES OF PLACE, PARTNERSHIPS, AND FOREST HEALTH 1, 4 (1996); SEVENTH AMERICAN FOREST CONGRESS, FINAL REPORT 4 (1996); JOINT PUBLIC ADVISORY COMMITTEE, COMMISSION FOR ENVIRONMENTAL COOPERATION, REPORT—1996 PUBLIC MEETINGS 5 (1996) (calling for "endowing communities with greater decisionmaking powers over their resources and issues that directly affect the environment within their communities").

2. See DANIEL KEMMIS, COMMUNITY AND THE POLITICS OF PLACE (1990).

3. For a discussion of community-based management, see NATIONAL ADVISORY COUNCIL FOR ENVIRONMENTAL POLICY AND TECHNOLOGY, U.S. ENVTL. PROTECTION AGENCY, EPA-100-R-96-003, PROMOTING INNOVATIVE APPROACHES TO ENVIRONMENTAL PROTECTION 7-9 (June 1996).

4. See, e.g., Steven W. Selin et al., *Has Collective Planning Taken Root in the National Forests?* J. OF FORESTRY, May 1997, at 25 (describing emphasis placed on collaboration in the U.S. Forest Service); Steven E. Daniels et al., *Collaborative Learning Defined*, J. OF FORESTRY, Aug. 1996, at 4; John Christopherson et al., *Lake Tahoe's*

decide what should be done, as in the Quincy Library Group in California's Plumas National Forest.⁵

I.

CRITIQUE

Some of us in the environmental community question whether this shift to local control is a good idea. Communities in close proximity to national forests, Bureau of Land Management (BLM) forests, or state forests clearly have a legitimate interest in those forests. As citizens, they are co-owners; along with the rest of us, they are users with palpable economic interests, neighbors concerned with forest fires, and residents with many daily connections. Their voices should be heard, and they should be consulted.

But there are other citizens— at greater distances— who also have legitimate interests in our nation's public forests. These citizens come from cities and other places to use the forests for recreation. They depend on the waters that flow out of the forests; and they are concerned with habitat and endangered species and want wilderness to survive. They are among the larger population of co-owners who constitute a community of interest, if not a given place.

The new community based theories of collaboration leave these groups out of the equation. Instead, emphasis is placed on increasing the influence of nearby communities. But local communities already have a larger voice in debates over national forests. Lawmakers customarily defer to the views of the Congressman from the district involved; and business interests in such communities long ago captured predominant influence over the management of federal grazing lands and state lands.⁶

Forest Health Consensus Group, J. OF FORESTRY, Aug. 1996, at 10.

5. The Secretary of the U.S. Department of Agriculture, Dan Glickman, has said "The collaborative approach used by the coalition, the Quincy Library Group, is a model for the West and the entire nation." Jane B. Little, *Test Projects for Forests Get Federal Funds*, CONTRA COSTA TIMES, Nov. 18, 1995, at 15A. For a complete discussion of the Quincy Library Group project, see Ed Marston, *The Timber Wars Evolve into a Divisive Attempt at Peace*, HIGH COUNTY NEWS, Sept. 29, 1997, at 1.

6. See, e.g., JAMES Q. WILSON, BUREAUCRACY: WHAT GOVERNMENT AGENCIES DO AND WHY THEY DO IT 242 (1989) (contrasting the traditional impact of Congressional geographical representation on bureaucracies with the impact of "nationalized" interests); George Hoberg, *From Localism to Legalism*, in WESTERN PUBLIC LANDS AND ENVIRONMENTAL POLITICS 47, 64-65 (Charles Davis ed., 1997) (referring to "the enduring localism that continues to influence congressional forest politics" and to cases where "the old politics of localism have triumphed over the new environmental politics"); WESLEY CALEF, PRIVATE GRAZING AND PUBLIC LANDS 56-72 (1960) (discussing the implementation of the Taylor Grazing Act and the role of the local community).

Despite local communities' substantial influence, they have not entirely succeeded in gaining exclusive control of the management of the national forests. The very name of these forests reminds us that we all own them; they belong to all of the citizens of this nation, not just to those who live nearby. Currently, all of us decide how these forests should be managed when we vote in national elections. Elections serve as a mechanism of democratic accountability to a national constituency. For example, allowable timber sale quantities increase or decrease depending on the philosophy of the winning political party.⁷ Thus, setting the direction for managing these forests through local negotiations displaces this national constituency and transfers control to the local level.

Moreover, when collaboration includes an agreement to proceed by consensus, it substitutes minority rule for majority rule. The idea of operating by consensus insidiously implies that problems need not be addressed until virtually everyone is in agreement. It empowers narrow vested interests to thwart the will of the majority.

Collaborative processes are also promoted as a key to breaking deadlocks over the management of national forests.⁸ In reality, however, "breaking deadlocks" means getting timber production back into high gear.⁹ Local control is really about promoting the agenda of the business community. It is also about getting politicians out of having to referee contests between those business interests and the rest of us, that is, to avoid doing their job.

Collaboration plays an entirely different role when applied to lands of mixed ownership where no one is in charge of looking after the public interests.¹⁰ This is the case with large water-

7. See PAUL W. HIRT, A CONSPIRACY OF OPTIMISM: MANAGEMENT OF THE NATIONAL FORESTS SINCE WORLD WAR TWO xlv fig.1 (1994) (showing the fluctuations in cut since 1945, which correlated with changing administrations).

8. See KUSEL, *supra* note 1, at 1, 7 (describing expectations with respect to resolving "resource management gridlock").

9. For instance, critics allege that the Quincy Library Group proposal will double the volume of authorized logging on the affected national forests from 210 million board feet in 1995 to 460 million board feet in 2002. See generally Quincy Library Group Forest Recovery and Economic Stability Act of 1997: Hearings on S. 1028 before the Senate Comm. on Energy and Natural Resources, 105th Cong. 16 (1977) (statement by Senator Bumpers).

10. Some 500 groups are reported by EPA to be monitoring watershed health. See SEVENTH AMERICAN FOREST CONGRESS, *supra* note 1, at 5. Oregon passed legislation in 1995 to create local watershed councils. See Lisa Cohen, *Sharing the Wealth*, OREGON QUARTERLY, Winter 1996, at 28; see also Kirk Johnson, *Henry's Fork Watershed Council*, COMMUNITY AND THE ENVIRONMENT, Dec. 1995, at 1.

sheds and issues such as salmon restoration. But someone is in charge of the national forests—the Forest Service—and the public interest consists of the interests of all of us, not just those who live nearby.

Those who theorize about collaboration admit that all stakeholders must be consulted for the process to have legitimacy. In the drive toward community partnering, such broad consultation is rarely accomplished. But expediency demands ignoring this disparity between theory and practice.

II.

CONFLICTING COMMUNITIES

As a consequence of this push toward expediency and community partnerships, a conflict is created between communities of place and communities of interest. The push toward localism exalts the interests of given communities of place (those in and around the public forests) over more extended communities of interest. The process provides no voice to coastal cities, such as San Francisco and Berkeley, who get their water from national forests and whose citizens rely on the Sierra for recreation. Moreover, no process exists to consult the varied interests of all of the national co-owners of these forests. How are their various interests to be identified and consulted?

Some suggest that, in theory, all of these interests can be represented by surrogates: people in the locality who identify with broader interests, such as members of national environmental organizations.¹¹ But such surrogates are self-nominated. Despite their willingness, they are not in fact appointed to act as agents. In the case of the Quincy Library Group, few national organizations felt they were represented; nor were they satisfied with the outcome. They objected to the proposal to double cutting levels and to disregard the recommendations of the Sierra Nevada Ecosystem Project report. The theory of national interest representation via surrogates is no more than an exercise in wishful thinking.

Some further argue that the problems of representation don't matter all that much because such groups are purely advisory. Strong pressures, however, are brought to bear to ratify the results of heavily negotiated issues. This has certainly been the case with respect to the report of the Quincy Library Group, and

11. See VICTORIA E. STURTEVANT & JONATHAN I. LANGE, APPLGATE PARTNERSHIP CASE STUDY: GROUP DYNAMICS AND COMMUNITY CONTEXT 26 (1995) (study commissioned by U.S. Dep't of Agriculture, 94-0569).

some Members of Congress are thinking of replicating this example.¹²

More dramatically, others advocate conferring real power on such collaborative groups.¹³ They want agencies to commit to implementing the results of such negotiations. They want participants, including agencies, to have the power to make commitments. Most environmental groups are not set up to make such commitments.

These community processes will affect a de facto shift of power over federal forest lands to local residents. Most of the forests' owners will be effectively disenfranchised, including the majority of users in the same state. Residents of small towns will gain power at the expense of those in cities.

III.

PROBLEMS AT THE LOCAL LEVEL

Even those who live in small towns may have reason to wonder if this shift in management makes sense.¹⁴ Collaborative processes tend to be intense and time consuming. Negotiations attract those with vested interests, particularly business interests that tend to dominate the process. Those without special expertise may find themselves at a disadvantage, and those who cannot commit to the considerable time entailed are excluded.

These processes tend to marginalize those who choose not to participate. They find themselves outside the arena where these matters are being handled. Open public debate in a community tends to dry up, as a critical mass of participants no longer exists to carry on a robust debate. People who had contributed to the critical mass are now co-opted into the collaborative process, where they are largely silenced by obligations of comity. Without an open debate, public opinion is no longer nourished. Issues which prove too tough for negotiators to resolve are laid aside to languish without public attention.

And public agencies, seeing the burden of making hard

12. See S. 1028, 105th Cong. (1997); H.R. 858, 105th Cong. (1997); see also Scott Sonner, *Logging by Consensus*, MISSOULIAN, Mar. 7, 1997, at B5.

13. See STURTEVANT & LANGE, *supra* note 11, at 25; see also Selin, *supra* note 4, at 27 (suggesting that when agreement is reached, there can be no "end runs"); Sarah B. Van de Wetering, *Enlightened Self Interest*, CHRONICLE OF COMMUNITY, Winter 1997, at 21 (discussing a Wyoming consensus process involving rangeland where one of the ground rules is that "all agencies and organizations must have authority to speak and make decisions for their respective entities").

14. See STURTEVANT & LANGE, *supra* note 11, at 54 (discussing various problems of this nature).

choices, may choose to follow in the wake of politicians. Why should they grapple with tough problems if they don't have to? Instead of forcing problem solvers to do their duty, this process may allow them to "pass the buck."

CONCLUSION

In conclusion, the shift toward local control disenfranchises distant stakeholders, including many users of federal lands. Most of those who own these public forests are excluded from the process. Majority rule is replaced with minority rule through a consensus process. These processes have the effect of turning national forests into county forests. Instead of pursuing the greatest good for the greatest number, collaborative efforts all too often pursue the vested interests of a smaller number. For these reasons local control should not be accepted as a better way to manage public lands.