

NGO Influence on Forest Legislation

Experiences from Federal Forest Management in the United States

Ramón Bravo

Supervisors:

Peter Arnfalk

Carl Dalhammar

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Tel: +46 - 46 222 02 00, Fax: +46 - 46 222 02 10, e-mail: iiiiee@iiiiee.lu.se.

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Abstract

In the last two decades, a concern on how federal forests in the United States are managed has provoked concerns among different stakeholders, including NGOs.

The purpose of this thesis is to contribute to the understanding of NGO influence on forest management legislation. Eight aspects were selected and compared in different study cases referring to legislative proposals dealing with forest management in order to define success criteria for a legislative initiative. The study indicates that the following criteria are particularly important to fulfill in order to influence forest management legislation:

- The issue to address should be on the political agenda and have high public interest.
- Environmental and social aspects should not be at the expense of economic aspects.
- The legislative initiative should be prepared in multi-stakeholder processes, including local government and organizations.
- The supporters of the initiative should take part in all decision-making processes and advise the Government in aspects related to their areas of expertise.

NGOs would likely improve their chances of influencing forest management legislation if they hold a flexible position regarding legislative proposals containing similar or even less strict measures than their own initiatives, look at market oriented schemes as alternatives to legislation, and maintain good relationships with other major stakeholders.

Executive Summary

In the last two decades, concern has grown on how the U.S. Forest Service is managing U.S. National Forests. Particularly, practices such as clearcutting, and even management techniques, have provoked controversies among environmentalists, scientists, politicians, the industry, and other stakeholders. Recent insect outbreaks and forest fires in the U.S. have further triggered a discussion on how forests should be managed. One important group of stakeholders that for long have been trying to influence these practices, is environmental NGOs. The success of these efforts differs, and it is unclear what the criteria for success really are. The objective of this thesis is thus to contribute to the understanding of NGO influence on U.S. forest legislation.

The thesis is based on the study of two forest legislation acts, and a case involving policy changes in the Pacific Northwest. Information about these acts has been collected through literature reviews, interviews, and meetings.

Stakeholder theory is used to support the analysis of these cases, in order to better understand in what ways stakeholders succeed to influence forest management legislation.

At the beginning, a general background on forestry is provided, in which environmental, social, and economic forest values are considered. This is followed by a brief presentation of controversial forest management techniques. Further background is provided through a summary on U.S. forest legislation, and a presentation of different stakeholders who could influence forest policy. Two forest legislation acts and a case are studied:

- a. Forest policy change in the Pacific Northwest. It describes how an environmental issue such as the endangerment of the spotted owl, influenced forest management practices in the region.
- b. The Act to Save America's Forests. Legislative initiative introduced at the U.S. Congress to protect old growth forest by banning even forest management techniques such as clearcutting.
- c. The Healthy Forest Restoration Act of 2003. Initiative enacted in December 2003, which waives certain requirements for the Forest Service, in order to conduct fuel reduction projects. It also allows stewardship contracting and modifies the appealing process of fuel reduction projects conducted by Federal agencies.

The first case provides a good background on how environmental groups can influence forest policy. The other two acts, the ASAF and the HFI, were selected because they address forest issues in different ways. The former has an approach based on conservation biology, and the latter on solving forestry problems with the help of the forest industry. Different stakeholders support those acts, as they obey to different interests.

After presenting the case and the two acts, the two acts are compared by using eight different success criteria indicators. These so called "indicators" or questions, are extracted from stakeholder theory, and are instrumental in analyzing why one act is more successful than the other. This analysis and comparison also support the understanding of how stakeholders can influence legislation, particularly NGOs' influence on forest management legislation.

Eight indicators were considered to have significant relevance for NGOs in order to influence forest management legislation. Those indicators are:

- 1) Is the issue on the political agenda?
- 2) Is high public interest on the issues addressed by the initiative?
- 3) Are environmental and social aspects at the expense of economic aspects?
- 4) Are the supporters of the initiative taking part in all decision making processes and or advising the Government in aspects related to their area of expertise?
- 5) Is the legislative initiative prepared in multi-stakeholder processes?
- 6) Do the supporters of the legislative initiative have access to decision makers?
- 7) Is any competition among the supporters of the initiative (if any environmental group) and other environmental groups in range or prestige?, and
- 8) Are relations with regulators and environmental groups satisfactory?

From these eight indicators, number 1, 2, 3, 4 and 5 were found to be critical in influencing forest legislation.

Common practices suggest that one of the best ways to be successful in influencing legislation is by gaining support from legislative members (in the House of Representatives or the Senate) as sponsors. However, in reality, this is just one of the many factors that have to be considered throughout the process. The priority of an issue in the political agenda; the involvement of a distinct number of stakeholders in a legislative project; active involvement in the issue; negotiation; and focus on economic aspects, all seem to be highly relevant aspects that need to be taken into account in order to be successful.

With this knowledge in hand, what we can say about the chances for the environmental NGO supported Act to Save America's Forests, and its chances to be passed in Congress. The findings in this thesis tell us that the possibility for the act to be passed in the long term is low. Even if control in Congress would shift from Republican to Democratic majority, the chance of the Act to be passed would not be significantly increased. There is a need to work actively with local groups, especially in the areas where the existence of Old Growth Forest is being threatened. It is also important to consider the possibility of offering objective expertise and advise in different working groups at both Congress, and Agencies dealing with Forestry issues, as well as having a more flexible position, while dealing with Agencies and other stakeholders.

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1. Introduction

The purpose of this thesis is to fulfill the requirements of the Master Program in Environmental Management and Policy at the International Institute of Industrial Environmental Economics at Lund University. The research was done in the period comprised between June and December, 2003. The research tries to contribute to the understanding of how NGOs and other stakeholders can influence the development of forest management legislation. Important variables are identified, in order to know how successful different actors have been while trying to pass forest management law. Then, two different initiatives will be evaluated in the field of forest policy, which will allow to conclude on what variables are the most important on the success of the those initiatives. The intended audience of this research is, on one side, environmental organizations involved in forest policy, as well as legislators supporting such initiatives, and on the other side, the academia, involved in issues related to stakeholders in forest policy, especially NGOs. Additional readers can be Governmental Agencies, and timber industry representatives.

This chapter provides the general framework of the conducted research, and describes the research objective, methodology used, scope, limitations, and how this work differs from previous research done in the field.

1.1 Background

The Forest Service is the largest natural resource agency within the Federal Government in the United States of America (Barton and Fosburgh, 1986). It is in charge of administrating the U.S. National Forest System, which is formed by 191 million acres (77.3 million hectares), an extension that represents twice the size of the State of Texas. (U.S. Department of Agriculture, 2003).

From 1897, the U.S. Congress defined purposes of the U.S. Reserves¹, which were to improve and protect the forest, to secure favorable water flows, and to furnish continuous supply of timber for the use of the citizens of the United States.

The growing pressures on the national forests after World War II to meet competing demands, was one of the reasons that motivated the Forest Service to get an official mandate to have a multiple use management authority (Barton and Fosburgh, 1986). In 1960 Congress passed the Multiple-Use Sustained Yield Act, which established that U.S. National Forests could be administered for outdoor recreation, range, timber, watershed, and fish and wildlife purposes. In 1969, the National Environmental Policy Act was passed, requiring that Federal Agencies analyze in detail the environmental assessment process and the creation of environmental impact statements. The very same year, timber prices increased dramatically, causing a controversy over national forest management. Environmental Non-governmental groups (NGOs) blocked timber proposals supported by the planning requirement. The result concluded in the Forest and Rangeland Renewable Resources Planning Act of 1974, commonly called the Renewable Resources Planning Act, which rules the basis on which the Forest Service works today.

In the last two decades, concern has grown on how the U.S. Forest Service is managing U.S. National Forests. Particularly, practices such as clearcutting, and even management techniques, have provoked controversies among environmentalists, scientists, politicians, the

¹ Predecessors of the Federal Forests.

industry, and other stakeholders. Recent insect outbreaks and forest fires in the U.S. have further triggered a discussion on how forests should be managed.

In order to promote a more sustainable management of the U. S. National Forests, the environmental coalition Save America's Forests, is advocating in Congress to introduce an Act to promote the use of selection management, as the most sustainable technique to manage forests, prohibiting in consequence the use of clearcutting, and even management tools in the National Forest System. At the same time, the President of the United States, Senators, House Representatives, together with local governments, Federal agencies, and the Forest Industry, tried to pass legislation focused on the main problems in the forest, which, on their opinion, are insect infestation, fires, and tree overstock. This second initiative was successful, and consensus on it was reached on November, 20, 2003 by a joint House-Congress Conference Committee. On December 3rd of the same year President Bush signed the Act, in order to become public law.

In general, there are many stakeholders and NGOs involved in forest management legislation for Federal lands in the U.S. Throughout this thesis, the influence of those actors in passing forest management legislation is going to be discussed.

1.2 Objective

The objective of this thesis is to contribute to the understanding of NGO influence on U.S. Forest legislation.

In order to accomplish this objective, the thesis attempts to answer the following research question:

In what ways can an NGO influence the development of new U.S. forest legislation?

This research question has triggered a number of sub-questions, which have guided the research process:

What main forest values are of importance to manage forests in a sustainable way?

In what ways do different forest management practices affect these values?

What legal framework steers and influences forest management practices?

What are the major actors trying to influence the current legal framework?

In what ways do these actors try to influence the existing framework?

How successful have they been in doing so?

Why have they succeeded or failed?

Based on the earlier NGO experiences, what can be said about the attempts to pass the Act to Save America's Forests?

1.3 Thesis outline

This thesis is divided in six main chapters, which are going to be described in the following lines:

1. **Background on forestry.** This chapter starts describing predominant values in forest, from an environmental, economic, and social perspective. Following this, different forest management techniques are presented, as well as facts on the U.S. Federal Forest System. The information contained in this chapter allows the reader to get an overall idea on the situation of U.S. Forest, as well as the main issues and challenges in the area.
2. **Forest legislation in the U.S.** This chapter will describe the existing legal framework governing forestry in the United States. In this section, all the different acts and initiatives related to forest policy are mentioned, as well as description on how those laws were made. In addition to this, and in order to understand how the legislative system works in the U.S., a section describing the process of passing a law it is included.
3. **Stakeholders influence.** In this chapter, the different stakeholders involved in forest policy are mentioned, including how they try to influence policy making. Stakeholder theory, which is going to be the base of the analysis section, is also included. At the end of the chapter, two different models are added, in order to synthesize how forest policy can be changed.
4. **Case studies of forest management.** In this section mainly two acts are mentioned: the Act to Save America's Forests and the Healthy Forest Restoration Act. Information about their content is included, as well as their main faced problems to be passed. Two additional measures: the Montana Act, and the Roadless Rule are considered, since they are complementary to the area of action of the Act to Save America's Forests. Emphasis is made on how different actors try to influence the forest management framework. Additionally, a case on the Pacific Northwest has been added, which describes how the saving of the Spotted Owl originated major forest policy changes in the region.
5. **Analysis.** In this part the studied forest management acts are analyzed with support of stakeholder theory to identify success factors in passing a law. This analysis results in a list of criteria, which are presented in the form of eight questions. These questions are then used to revise two of the acts, the ASAF and the HFI, to make a comparative analysis between the two, and see how well they fulfill these criteria.
6. **Conclusions.** The main research question is answered in this section. General aspects to consider while trying to pass forest management legislation are also mentioned, as well as some recommendations given, together with considerations on the possibility for the Act to Save America's Forests to be passed in future

1.4 Methodology

This thesis is based on the study of a number of legal acts, which can be described as case studies. According to Yin (1994) case studies can be used in many situations, especially when political issues are addressed.

Case studies are preferred in examining contemporary events, and when the relevant behaviors cannot be manipulated. Case studies also add two sources of evidence to the study, which cannot be usually found in other kind of techniques, such as direct observation and direct

interviewing. They also constitute a great opportunity to deal with a variety of evidence, like documents, interviews, and observations, beyond what might be available in a conventional historical study (Yin, 1994)

Yin (1994) says that the decision of opting for multiple-case studies implies considering the fact that every case should serve a specific purpose within the overall scope of inquiry. Even when the methodology used in this thesis was inspired by Yin, due to the conditions of the different legal acts, it has not possible to perform a perfect comparison among them. However, efforts to make them as standard as possible have been done.

The criteria to evaluate the success of the two different legislative initiatives, was based on the literature review. Eight indicators were selected, and compared in two legislative initiatives, supported by stakeholder theory. A summary on that comparison was prepared in the form of a table, and the labels yes, no, or partial were assigned to the different acts, depending on how they fulfilled the set criteria. The aspects not included in the Act to Save America's Forests but fulfilled by the Healthy Forest Restoration Act were considered core indicators, based on the premise that the later has been passed in Congress, and have become public law.

1.5 Data Collection

Data and information was collected in different ways, which will be commented in the next lines:

First of all, the author of this thesis was working in the organization Save America's Forests in Washington, D.C. from June to August, 2003. That time included a process of getting familiar with the organization, and its main projects, especially the Act to Save America's Forests. The period at Save America's Forests, also meant a good possibility to get involved with the Healthy Forest Restoration Act of 2003, and closely watch its progress in Congress. Secondly, background on the issue of forest management, the U.S. National Forest System, the ASAF itself and important players in the field was gathered. This second phase included documentation review, access to archival records, and observation by following up the Healthy Forest Initiative in the U.S. Congress, involving personal attendance to two hearings at the U.S. Senate, and two votes at both, the U.S. House of Representatives and the U.S. Senate.

This allowed the author to define the main issues and objectives. Finally, face-to-face, semi-formal, and semi-structured interviews were conducted. The interviewees included key personnel at the U.S. Department of Agriculture Forest Service, the American Forest and Paper Association, the Association of American Foresters, and the U.S. Department of the Interior. It is necessary to mention that the conducted questions during the interviews were structured. However, due to the input of the interviewees during the interviewing process, additional questions were asked, in order to get a better understanding of the different issues mentioned. For that reason, the interviews are called semi-structured.

1.6 Scope and Limitations

As it was previously mentioned, this thesis will address the controversies involved in passing forest management legislation in the United States. At the same time, it is mainly based on the Act to Save America's Forests and the Healthy Forest Restoration Act. This thesis does not intend to provide a review on the many forest management bills tried to pass at the U.S. Congress. Nevertheless, the aim of it is that by using as study cases two forest management bills, in conjunction with a case study based on literature review, stakeholder theory, and a

background on forestry and legislation, we can increase our understanding of in what way can an NGO influence the development of new U.S. Forest legislation.

There is a considerable number of stakeholders involved in forest legislation in the U.S. However, this thesis does not intend to provide a full explanation on how each of those actors can influence forest legislation. Within the different stakeholders, the research focus is going to be on NGOs.

This thesis differs from other studies in the field of forestry in the U.S. since it is more focused in the Federal level than in State level. Its scope does not aim to address the issues of State or private forest. In addition to that, two factors not supported by literature were empirically found, which have to do with the number of co-sponsors of an Act and the political affiliation of the bill sponsor, and their influence in the success of the initiative.

2. Background on Forestry

The objective of this chapter is to provide background information on different kinds of forest management practices, as well as different forest values, and how those values are related to current forest management. The reason of having this section is to introduce the reader into the field of forest policy, in order to understand the information of the subsequent chapters, where different approaches to manage forests are considered by different stakeholders.

2.1 Forest values

Many of the changes in forest management legislation in the United States are inspired in nature values, which can be divided in environmental, social, and economic values. In the following sub-sections those values will be mentioned, as well as their relevance in forestry policy.

2.1.1 Environmental values

Especially for NGOs, environmental values have been the main reason why they have tried to get stricter regulations, in order to protect two fundamental values: Biodiversity and Old growth forest. As it is going to be commented in other sections of this thesis, the relevance of environmental values has led to protective measures, which sometimes have been above economic interests.

2.1.1.1 Biodiversity

Biological diversity is defined as “the diversity of life, including the diversity of genes, species, plant, and animal communities, ecosystems, and the interaction of these elements” (McMinn 1991).

The biodiversity issue arises from a concern that the Earth’s species are disappearing, and the possibility that entire ecosystems can be lost. Genes from primitive varieties and wild relatives of domesticated species are used to improve productivity, as well as to enhance tolerance to environmental stress, pests and diseases. Those genes are important for pest control, animals, fungi, and microorganisms. Wild populations provide new sources of medicines, energy, and industrial feedstocks for products such as high quality lubricants (ibid).

McMinn also stresses the importance of large enough areas to allow populations with sufficient gene pools, as a requisite to perpetuate the organisms or ecosystems. In the ecosystem context, it is vital to maintain structure and function as well as taxonomic composition.

The National Research Council Committee on Forestry Research (1990) identified the loss of biological biodiversity as one of the major issues that society faces concerning forests. In addition, The U.S. Environmental Protection Agency also indicated that biological diversity is perceived as a high political priority and scientific issue.

2.1.1.2 Old growth forest

Rapp (2002) claims that there is not a common definition of old growth forest. However, it has some general characteristics like: large live trees, large dead trees, as well as large fallen

trees. There are trees of varying ages, sizes, and species; with a deep complex canopy, and patches of young trees, shrubs, and herbs on the forest floor.

Oliver (1981) gives a similar definition of old growth forest, which is characterized by large, old trees, a relatively open canopy, trees of various heights and diameter, a diverse understory, and large downed logs. In addition to this, other authors like Herbeck and Larsen (1999) say that old growth sites have more than 120 years of age.

Old growth forests come in a wide variety of types with many differing characteristics. The following are generalizations that apply to most old growth forests: Old growth forests are complex, in terms of horizontal and vertical structure, and biodiversity and energy flow. The old-growth forest's structural complexity is the key to its biological diversity, which could not exist in simpler environments. The dominant trees have deep crowns that support a canopy community of small mammals, birds, bats, insects, spiders, mosses, and lichens. Standing and smaller trees of various ages, sizes, and species create a multilayered canopy, which can even reach the forest floor. The forest floor contains fallen trees, and patches of shrubs, plants, mosses, and fungi; and on the ground, it is possible to find spiders, mollusks, soil arthropods as well as reptiles, amphibians, and mammals. Old growth forests supply nesting and roosting habitat for spotted owls, nesting habitat for marbled murrelets (where the forests are close enough to the Pacific coast), truffles for red-backed voles and flying squirrels, including rare mollusks such as the Puget oregonian land snail and the warty jumping-slug. In old growth forests, the dominant trees have considerable variation in age because they started growing in different places from several decades after a disturbance that damaged the previous forests or open canopy gaps (Rapp 2002).

The complex structure of old-growth forests is the result of variability. Variable spacing allows some trees the chance to gain diameter rapidly in their early decades, not just height, and to keep more live branches. Patchy mortality makes holes in the developing forest, allowing trees to grow. These trees begin to create a forest of many species, ages, and sizes (Rapp, 2002).

According to the previous authors, there is a relationship between biological diversity and old growth forest. This relationship is based on the premise that old growth forests host an enormous amount of different species. If old growth forests are compared to other kind of forests, such as plantations, the number of species will be much more greater in the former than in the later.

In general, the kind of findings mentioned above create the field of action for stakeholders involved in forest policy, such as NGOs, which use those arguments to support their initiatives and proposals.

2.1.2 Economic values

Despite of the importance of environmental values, as described above, there are also additional values, such as economic values, that can be considered. For example, regarding biodiversity, it can even be considered as a public good, with the difference that cannot be traded in a market system because it is not owned by someone in specific (Kächele and Dabbert, 2002). According to Turner (2002), public goods are nonrival and nonexcludable, which means that it is possible to consume public goods for more than one person, and at the same time, once it exists, it is not possible to stop someone to use it. By being nonexcludable goods, people can refuse to pay them, because they already know that the possibility of getting consuming them exists already.

One of the most relevant aspects to consider in the case of public goods, such as Federal lands, is the trend to prioritize short-term economic gains. This constitutes a difference from stakeholders that have other goals such as social or environmental (Ioannides, 2001). In any case, there is a difficulty to value in monetary terms whether the effects of a certain initiative, such as having stricter forest management policies are going to be positive or negative. From a monetary perspective, in the short term, it might look unreasonable that an environmental policy focused on protecting certain species mandates reducing significantly timber production in the habitat of those species. If wood production represents a high percentage of the total income in a certain region, it can be thought that this mandate would have a negative effect on unemployment rates, regional gross domestic product, or economic growth. However, most of the time, the effects in the long term are not estimated. It can be possible that the extinction of endangered species damages severely an ecosystem, producing its collapse in the long run, which would not only reduce timber production for a while, but would terminate it indefinitely. For that reason, the value of the negative or positive effects of a certain practice, should be consider while having deployment activities.

Miller (2002) identified that discount rates, time preferences, opportunity costs, and governmental economic policies are factors that influence how a resource is used or managed. This involves different aspects in policy making, which entails considering: the value of a certain resource at present time, and comparing it to its future value; the willingness of not having an income for using certain resources at present time, buy having the chance of increasing that income in the future; the cost of investing in something that could have less financial benefits than the original plan; or the consequences of having a certain policy (e.g. a tax incentive increasing the use of a resource, or a restrictive policy limiting timber harvesting).

2.1.3 Social values

Social values also play an important role in forest management. As it is mentioned in the Multiple Use Sustained Act, which will be further considered in the third chapter, National Forests were established to be managed for multiple values, such as outdoor recreation, range, timber, watershed, wildlife and fish (Cashore, 1999). This indicates that not only economic or environmental values are considered in forest policy. It might be possible that a certain area provides considerable economic benefits by having an intensive timber-harvesting program, or that the creation of an ecological reserve for protecting threatened and endangered species can be on the political agenda. However, if the consumers of a public good such a forest are more interested in using this good for recreational purposes than for timber harvesting, or the establishment of an ecological reserve restricting public access, this would have an effect on forest policy, affecting economically and environmentally.

Another point of conflict is the consideration of future generations while making forest policy. Usually the concept of sustainable development, which is defined as: *“the development that meets the needs of the present without compromising the ability of future generations to meet their own needs”* (WCED, 1987) involves taking into account inter-generational justice while talking about sustainability. It means that sustainable forestry should ensure that future generations would have the necessary forest resources to meet their own needs. In any case, the process of determining the needs of future generation can be very complex and subjective. How can we precisely forecast the prevailing conditions in the future? or how can we know that reducing timber production in a certain percentage and not having a financial benefit as product of this is going to be enough to fulfill the needs of future generations?

Social and environmental values are difficult to evaluate, while compared to economic values. Because of that, economic aspects of a certain policy could have a higher priority than social

or environmental values, but in order to have sustainable forest policy it is necessary to include all of them.

2.2 Forest management practices

There are different ways to manage forests. Floyd (2002) states that for policy makers and regulators there are two kinds of visions of national forests and public lands: ecosystem management and working forest. The first vision stresses the importance of ecological systems and biological biodiversity. Production of some forest products is subject to the maintenance of bio-geo-chemical processes. The second vision is based on the premise that a forest should be managed to meet the economical and social needs of communities, but conserving ecological processes and functions. Even when environmental aspects are considered, it is recognized that human needs cannot be fulfilled without affecting ecosystem integrity.

Based on the previous visions, there are different forest management techniques, which are used to fulfill specific goals. For the purpose of this thesis, just the most controversial practices will be commented.

2.2.1 Clearcutting and post-logging regeneration

Clearcutting is one of the most widely used methods to harvest timber. It is specially used in productive forests, because of its simplicity, low cost as compared to other forest management practices, and the required skill level needed to conduct it. Even when its advantages are considerable, environmental groups and the civil society have challenged its use in both private and public lands, asking for more sustainable alternatives to harvest timber.

The Act to Save America's Forests (ASAF) defines clearcutting as: "An even age logging operation that removes all of the trees over a considerable portion of a stand at one time". In order to understand in a better way the term even age logging operation, we will refer to the definition found in the ASAF of 2000 (H.R.² 5279), introduced in the 107th Congress: "An even age logging operation creates a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, creates a stand in which the majority of trees are within 10 years of the same age; or cuts or removes more than 20 percent of the basal area of a stand (not including the basal area of any tree of a non-native invasive tree species) within a period of 30 years."

Regarding post-logging regeneration, it is a normal practice in intensive management to create plantations after clearcutting, which can be more productive in the short term than having natural stands (Guldin and Wigley, 1998). Environmentalists have also criticized this practice, mainly because of some impacts associated to this, which include biodiversity loss, increase of fire risk, insect infestation, and diseases.

2.2.2 Selection Management

Selection management is one of the proposed sustainable alternatives to intensive forest management. There are different definitions of selection management, however, for this thesis, we are going to use the term selection management as it is defined on the ASAF. It means a "method of logging that emphasizes the periodic removal of trees, including mature,

² House Resolution

undesirable, and cull trees, in a manner that ensures the maintenance of continuous high forest cover where high forest cover naturally occurs, the maintenance or natural regeneration of all native species in a stand, and the growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products including clean water, rich soil, and native plants and wildlife". The ASAF also makes reference to cutting methods, which can be included in the definition of selection management, which are: individual-tree selection, and group selection.

In Individual tree selection, "individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout the stand", and in group selection "small groups of trees are selected and logged". (ASAF, H.R. 5279)

In general, selection management is an uneven aged management technique in which the logging that occurs results in a forest of trees that are all different ages and the logging is considerably less than any even management of forests. Even when selection management is generally supported by environmentalist and conservationists, it is not favored by the timber industry and government agencies as a viable substitute of intensive management techniques. Most of the disadvantages of selection management can be related to its high cost, the requirement of special skills to perform it, and its unsuitability for every kind of forests.

2.3 U.S. Federal Forest

The purpose of this section is to provide facts on the U.S. National Forest System. This chapter is linked to the first section in the second chapter from the perspective that it includes information on timber sales and harvesting, protected areas, and economic value of the timber sales, which allows getting an idea on the status of the U.S. forest regarding forest values and management practices. This section also highlights the decline in timber harvesting, which is associated to the intervention of stakeholders such as NGOs, or the financial unsuitability of the timber sale program, which can create doubts on the efficiency of the Forest Service to Manage National Forests.

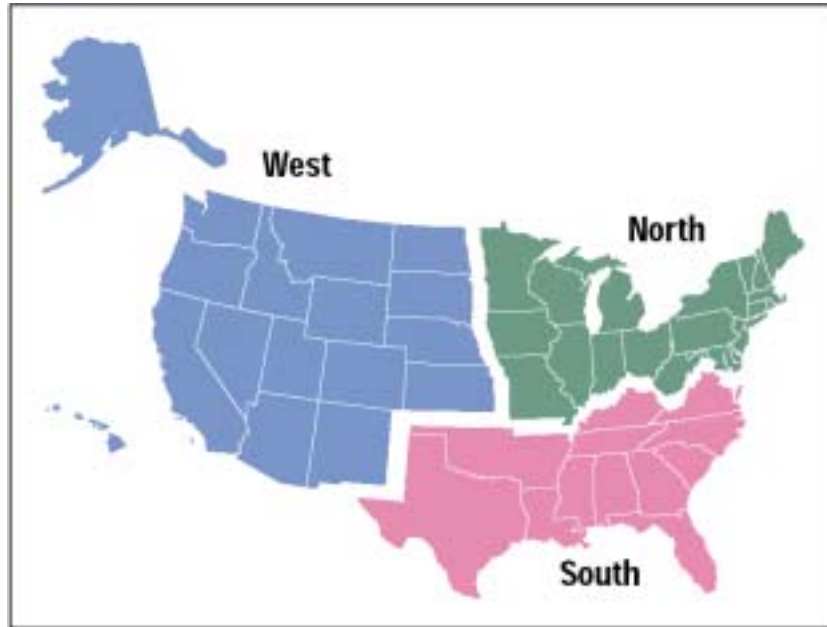
2.3.1 Facts on the U.S. Forest

From a global perspective, U.S. Forests represent 10% of the total Forest land area in the World. It has 7% of inventoried timber, and produces 25% of the timber used for industrial products (U.S. Department of Agriculture, 2001).

At the time of the European settlement, the estimated are of forest land was 423 million hectares, or 46% of the total area. However that area decreased to 307 million hectares by 1907, and today, it is about 302 million hectares or 33% of the total land area of the United States, making the land trend relatively stable during from the last 5 decades (U.S. Department of Agriculture, 2001).

For the purpose of understanding that the U.S. Federal Forest System changes considerably, depending on the geography, the information included in this section is going to be divided in three geographical regions, which are proposed by the US Forest Service in the report U.S. Forest Facts and Historical Trends of June 2001.

Figure 1: Geographical distribution of the U.S.



Source: U.S. Forest Service (2001)

2.3.1.1 Land Distribution

On 1997, the total land and forest area in the United States was 916 million hectares, which are geographically divided as follows: 49% of the Forest in the West, 28% in the South, and 23% in the North (U.S. Department of Agriculture, 2001).

Regarding timber, 68% of the U.S. forest (or 204 million hectares) has been classified as timber land. This land is distributed as follows: 39% in the South, 32% in the East, and finally 29% in the West. From the entire timber land area of the Nation, 55% of the timber is less than 50 years old, and only 6% percent more than 175 years old (U.S. Department of Agriculture, 2001).

While considering the area classified as reserved forest, it only represents about 7% of the entire forest area. 76% of the reserves are found in the West, 14% in the North, and only 10% in the South (U.S. Department of Agriculture, 2001). This area includes State and Federal parks, as well as the denominated wilderness areas.

Finally, there is an area classified as other forest, which accounts 25% of the entire U.S. Forest (U.S. Department of Agriculture, 2001). Most of this area is found in the West, with only a few million hectares in the South and North. It includes slow growing spruce forests of Alaska, as well as pinyon-juniper in the interior West.

2.3.1.2 Forest land ownership

The ownership of the U.S. Forests is divided in private and public, 42% being public, and 58% private. The timber industry owns 9% of the total, and 49% is classified as other private. However, while considering public forest, 59 million hectares are considered National Forest, and 69 million other public. This means that 128 million hectares are public, and from that amount more than the 46% is considered timber land (U.S. Department of Agriculture, 2001). However, it is important to mention that most of the forest is Public in the West, and private in the East.

2.3.2 Management Activity and Trends in Stock volume, mortality, growth, and removals

As it was previously stated above, a high percentage of the U.S. Forest is private. For those lands, regarding forest management, there is not specific information available on the tools or techniques used. According to data from the U.S. Department of Agriculture (2001), it is estimated that only 5 percent of the private landowners in the U.S. have written management plans. However, the percentage is not that relevant, since 39% of the private forest area is covered by plans. In 1996, private forests supplied 89 percent of the timber harvested in the country (U.S. Department of Agriculture, 2001).

Almost 90% of the forest in the Eastern U.S. is naturally grown, while 10% is planted. In the Western U.S., almost 4% is planted, and 96% natural. 58% of the inventory is classified as softwood, and the remaining 42% hardwoods. From that total, most of the softwoods are located in the West, while hardwoods are mostly located in the North and South. Regarding all planted species (hardwood and softwood), an inventory of 23,650 million cubic meters was estimated for 1997. From this number, 666 million cubic meters were classified as growth, 453 as removals, and a mortality of 179 million cubic meters was registered. By comparing the variable growth-removals and mortality; in total, the amount of wood removals plus the volume of dead trees is not greater than the growth forest, which means that the three inventory is not being affected by timber harvesting. However, in the South, this variable is negative, being the number of removals plus mortality higher the number of growth trees for 48 million cubic meters (U.S. Department of Agriculture, 2001).

2.3.2.1 Timber management

One of the foundational objectives of the U.S. National Forest System was to ensure timber supply in America. The timber program is one of the most important programs of the U.S. Forest Service.

According to information from the U.S. Department of Agriculture (2003), the amount of timber harvested on the National Forests have been decreasing. In total, the timber harvested on national forests has decreased from approximately \$143 million dollars in 1998, to only \$43 million dollars in 2002 (U.S. Department of Agriculture, 2003).

Regarding timber sold, there is also an overall decrease, but considerable increases were reported from the fiscal year 2001 to the year 2002. However, in general, the price has decreased from \$137 million dollars in 1998, to only \$46 million in 2002 (U.S. Department of Agriculture, 2003).

Even when comparing the values between the amount of timber sold versus the timber harvested, and apparently is positive, according to information provided by the U.S. General Accounting Office (2001), the timber sales program has experienced losses. In the fiscal year of 1998, it is estimated that the losses accounted \$125.9 million dollars, and \$116 million in

1997. However, on the information provided by that agency, it was stated that the Forest Service has incurred in miscalculations, which made not possible to estimate a reliable cost of the program from the fiscal year 1998 and 1999. Even the Department of Agriculture Inspector General was unable to provide an opinion on the Forest Service's annual financial statements because the financial systems did not produce on time, and the financial management information was not accurate. Mainly for that reason, the General Accounting Office designated the Forest Service financial management as one of the Office's "high risk" areas in January 1999, keeping the same designation in January 2001. (U.S. General Accounting Office, 2001).

2.4 Criticism on U.S. Forest management practices

Federal lands management in the U.S. has been controversial, because of the different interests involved. For example, the timber industry wants the forest service to increase the volume of timber harvested from national forests, while many NGOs and civil society groups advocate for banning or limiting timber volumes if species and ecosystems are threatened as consequence of intensive forest management. Both sides use science based arguments to support their views. The most relevant of them will be described in the following lines.

The timber industry, Federal agencies, as well as some foresters and land owners, support clearcutting. One argument they use to support this method, is that clearcutting imitates the severe natural disasters that occur in nature (Bonnicksen 1994). It is also highlighted that clearcutting has effects on production levels, and studies showing those tendencies have been conducted. For example, a study evaluated 4 replications of 5 treatments (clearcut, shelterwood, group selection, single tree selection, and late-rotation unharvested stands) during the first, third, and fifth years after initial timber harvest. The results indicated that the production in clearcuts and shelterwood cuts was higher than in single tree selection, group selections, and unharvested stands the fifth post-harvest year (Perry, et al 1999).

Despite those supportive statements, there are many scientists and studies that do not agree with the previous arguments. For example, Carey et al (1999) say that the disturbances people create through clearcut logging, slash burning, and planting are much different from natural disturbances such as wildfire, windstorms, floods, droughts, root rot, and insect outbreaks. This is usually because few biological stands such as snags and fallen trees are left, and single tree species planted, spacing trees uniformly and having even-aged inventories. These stands are denser than stands created by nature (Rapp, 2002).

It has been mentioned that without active management of plantations, disturbances such as windstorms, ice storms, root rot, insect infestation, and fire would likely occur (ibid). Duncan (1999) also supports the idea that clearcutting is a highly effective terminator of disease in young forests. However, its is necessary to distinguish that this kind of disturbances are not going to be the same when talking about old growth forests and plantations (Rapp, 2002).

Guldin and Wigley (1998), state that clearcutting produces the greatest possible change in forest conditions that can occur during secondary succession. Removing the biomass of ail trees of commercial size and value, and the mortality or suppression of much of the remaining woody biomass through site preparation (burning, mechanical cutting or removal, and use of herbicides) creates ecological conditions that are simply different from those that existed prior to harvest. Continuous canopy cover is lost, the forest floor is broken up, biogeochemical cycling is completely changed, and solar radiation and other microclimatic effects reach all the way to the forest floor.

There is also a relationship between old growth forest and even aged management techniques, which is explained by Bunell & Kremsater (1990). They state that even aged management may truncate succession and prevent the development of structural characteristics associated with older, mature forests.

As a result of even-aged management, the diverse old-growth forest is eliminated, which provides habitat for a number of species (Perry, 1988). In fact, Harris *et al.* (1982) found as compared to the middle-aged stands, that the very early or very late successional stages (old growth) provided primary habitat for twice as many species. However, although some of the species may use short rotation forests as secondary habitat, they need the older-aged stands to be maintained within the short rotation forest for primary habitat (*ibid*).

Guldin and Wigley (1998) say that plantation establishment, whether on a recently harvested site or an abandoned agricultural field, represents additional change in ecological conditions, because the intention is usually to establish a single dominant woody species, which can have negative ecological consequences.

Fragmentation effects are usually attributed to three factors: forest area, isolation and edge effects. Fragmentation can refer to spatial fragmentation, such as when a new plantation breaks up a continuous forest canopy. It also can refer to discontinuities of vegetation within an area, such as when a mixed species stand is replaced by a stand dominated by one species (Lord and Norton, 1990). It is sometimes argued that plantations reduce the area of native forest, isolate remaining patches of native forest, and create edges, which attract predators and nest parasites; provoking that species associated with native forests might decline in abundance. Such concerns arise because of the common assumption that stand-level habitat quality in plantations and native forests differs greatly for many species (*ibid*). Terborgh (1989) affirms that some plantations have even changed southern U.S. forests into biological deserts. In order to maintain biological diversity, it is necessary to maintain a variety of successional stages (Sharitz, et al 1992), which can not be reached by establishing plantations.

There are many cases of selection management being used in the United States and Canada. The following are a few examples. Merve Wilkinson manages Wildwood Tree Farm on Vancouver Island, Canada, a 137-acre wood lot that produces high-quality saw-timber (Taylor, 1993). Wilkinson does not allow clearcutting, replanting, or fertilizing of Wildwood. Wilkinson selects the trees that he is going to cut and purposefully leaves the biggest and strongest to serve as seed trees. He tries to maintain a forest that has trees that are different ages, different heights, and different species. He only removes trees when they have died, but even then, he leaves many to serve as habitat for wildlife and to eventually replace soil nutrients. Finally, Wilkinson insists that the standing wood volume is the same as when he started and that the timber production is only slightly lower than other tree farms in Washington State.

In Oregon, Orville Camp discovered his own technique of selection management by experimenting on his own property (Camp, 1984). Camp calls his version Natural Selection Forest Management or Natural Selection Harvesting. This version of selection management promotes the removal of weaker members of a population, already determined by nature, and leaving the 'stronger' dominants to grow. The dominant members, which can be more than one species of a tree, will eventually die and be replaced by the next generation of dominant trees. The goal is to provide adequate space or 'territory' for the dominant trees to grow. You can remove diseased trees or mature trees, unless removing them will do more harm than good to the forest. The emphasis is to let the forest act as an ecosystem and decide for itself which trees are weaker.

In Salem, Missouri the Pioneer Forest is a nearly 160,000-acre privately owned forest that has been selectively managed since the 1950s (Pioneer Forest, 2000). Selection management, or single-tree selection harvesting occurs about every 20 years and only removes about 40% of the standing volume. Single-tree selection harvesting attempts to imitate the natural process in which individual trees or a small group of trees die by natural causes. The trees that are removed are the weaker trees based on a few variables that include form, vigor, disease and damage. The trees that are left are the ones best suited for that particular site, have strong physical characteristics, and the greatest potential to grow. The resulting opening after a harvest provides light for seedlings to grow into saplings and limits the competition with other trees for space, water, and soil nutrients. Eventually the understory trees grow into the gap that was created and become large trees. The opportunity for the next generation of trees to grow into the gaps created is critical to the success of the single-tree selection harvesting method.

Regarding selection management, certain authors have expressed their concern about selection management, statements that are used for the supporters of clearcutting and intensive forest management. Whitman et al (1997) says that selection logging must be ecologically sustainable (maintain ecosystem structure and function); as well as silviculturally sustainable (harvest rates, equal regeneration, and growth of a resource). In some kind of forests, such as tropical forests, it has been found that selection logging has negative consequences, because it damages residual stands and the remaining trees, including species of economic importance (Johnson and Cabarle, 1993 cited by Whitman et al). In addition, forest equipment can also affect the forest by compacting soils, thereby reducing seedling recruitment and growth (Reisinger et al 1998)

Regarding those facts on the tropical forest, Whitman et al (1997) recognizes that low intensity selection logging operations did not have a major impact, and that only 12.9% of the logged area was affected by the logging. Referring to soil compaction, it was found that damage is more severe on skid roads or sites where multiple passes occurred, which constitutes the real problem (ibid).

Gullison and Hardner (1993) have studied that damage per tree declines as harvest density increases. It is important to highlight that as mentioned before, the density in artificial stands is higher than in old growth forest, which means that the damage occurred in old growth forest may not be significant.

Other authors like Duncan (1999) mentions that natural landslides in uncut areas are larger, because they move larger masses of material. In the case of southeast Alaska, landslides are likely to be more frequent, although smaller. This change is caused by altered drainage patterns, and decreased soil stability as root systems decay after cutting.

Specifically in Alaska, Duncan (1999) also mentions the fact that in some cases, expensive helicopter logging was the only choice for some treatments, such as the 25 percent single tree selection treatments. However, further in the report (ibid) says that to make it economically viable, high quality trees can be harvested, and poor quality trees left for wildlife habitat. According to that, it would not result in a low quality forest at the end, since many trees would be already growing in the understory prior to partial cutting. Anyway, there are contradictory opinions on this. Whitman et al (1997) states that complete harvest of the largest and probably most fecund trees may have greatly reduced the seed production potential of the residual stand. However, while compared to other methods, it had low impact on the bird community.

Floyd (2002) mentions that three issues shape the debate over federal land policy and management in the U.S. and those are:

- 1) The desire of interest groups to reduce uncertainty. Forest management plays a very important role for some stakeholders such as the timber industry, because they make decisions based on forecasts of the availability of raw materials. Interest groups involved in issues related to watersheds, wilderness and wildlife habitat management, as well as ecosystem protection try to promote their interests on the national lands.
- 2) The limitations of planning. Practically the Resources Planning Act, the National Forest Management Act, and the Land Policy and Management Act state that by conducting resource planning and citizen participation resource management conflicts can be solved. Because of those rules, the process of deciding what forest management techniques are going to be used for every project is really challenging. The Forest Service and citizen groups usually have to agree on what has to be done, even when both parties have completely different interests.
- 3) The Effect of divided government. There are some disagreements between Congress and the executive. Usually Congress set direction for executive agencies on how they should conduct their activities. For example, there is an appropriation process, where Congress set specific policies and even request information of agencies like the Forest Service. The agendas of the executive and Congress often vary, as well as their points of view on different issues, since proposals influenced by the industry and environmental organizations will not be compatible.

From a legislative aspect, there are also aspects that create conflicts on the management of public lands. Among those aspects, Floyd (2002) has identified the Forest Service and Bureau of Land Management Missions, their structure, land allocation, etc. However, there are four aspects that are directly linked to forest management practices, and allow criticism. Those are:

- 1) Ecosystem management. The Society of American Foresters as cited by Floyd (2002) defines ecosystem management as:

“...a hierarchical and complex system of organisms and abiotic components with functional linkages between them...Ecosystem management attempts to maintain the complex processes, pathways, and interdependencies intact, and functioning well, over long periods of time...”

There is not incompatibility with multiple use and sustained yield concepts. However, the task of deciding what are the optimal levels of timber production, would definitively imply the selection of specific forest management techniques, and depending on those levels, intensive management techniques such as clearcutting could be used. This would create a conflict of interests among different stakeholders.

- 2) Multiple use and sustainable yield. Both principles are fully accepted by both the Forest Service and the Bureau of Land Management, and also the public, since they are clearly expressed as the statutory mandate for both Agencies. However, those terms themselves are conflictive, especially because decision-makers are granted discretion in the application of those principles. In the case of timber harvesting, it is usually mutually exclusive with wilderness, in the case of using intensive management techniques. There is debate on at what instance would those principles be applied, if at forest level, or in general as a system. Another problem is a premise that the level of benefits by one interest can be achieved without reducing the benefits desired by others, which is not technically possible.

- 3) Overlapping and interacting federal laws. Forest management is complex because of the status, executive orders, and regulations that the Forest Service and the Bureau of Land Management have to comply with. This is going to be commented on the next chapter.
- 4) Prescriptive versus nonprescriptive practices. Forest management laws have been increasingly more prescriptive. Congress members have been reducing the authority of the agencies to leave management to their own discretion, because this has failed to resolve the existing problems, or results in a large scale of abuses of the land and the law.
- 5) Financing land management. There is an existing lack of financing for federal agencies, considering that the federal budget has to be balanced. For that reason, an apparent solution for agencies is self-financing, which can be done by selling or leasing natural resources.

3. Forest legislation in the U.S.

This chapter looks at the existing Forest Management legislation in the U.S., which is needed to understand the complexity of forest management in the U.S.

This chapter is linked to the previous chapters because it shows the concerns of stakeholders on Forest Management, especially on the practices conducted by the Forest Service, and arguments regarding forest values, which were included in the second chapter.

3.1 Existing laws

In order to better understand Forest Policy in the U.S., it is necessary to look at the different laws that affect or are related to forest management. Cashore (1999) states that the federal regime is diverse, and includes the procedures established under the National Environmental Policy Act, the Endangered Species Act, and the National Forest Management Act. Those laws created complex planning requirements, and granted the right to sue government agencies if they did not comply with the regulations. However, the previous acts are not the only ones influencing this issue. Other laws such as the Multiple Use Sustained Yield Act, the Wilderness Act, the Wild and Scenic Rivers Act, the Clean Water Act, the Forest and Rangeland Renewable Resources Planning Act, and the Federal Land Policy and Management Act, play a relevant role in this matter. In this section, a general overview on all of these laws is going to be included, with the purpose of providing a general panorama on the legal web that rules Forest Management in the United States.

One of the very first Acts to define the purpose of the Forest Reserves³ was the Organic Administration Act of 1897. This act established the purposes of the Forest Reserves, which included to improve and protect the forest, securing favorable conditions of water flows, and securing the continuous supply of timber for to cover the use and necessities of the United States (Floyd, D. 2002). In that Act the supply of timber was authorized, but apparently this would not represent any advantages for the States that had Forest Reserves, since the timber sold from those reserves was exempt of State taxes. With the purpose of changing this, the Twenty-Five Percent Act was passed, which granted States with National Forests to receive 25% of the revenues from the Forest to be invested in State Roads and Schools.

From then, not relevant changes occurred in the field of Forest Policy until 1960, with the 1960 Multiple Use Sustained Act, which was one of the primary responses of the United States Congress to environmental demands. This Act established that National Forests could be managed for multiple values, such as outdoor recreation, range, timber, watershed, and wildlife and fish. This act recognized the principle of integrated resource management (Cashore, 1999).

Following the enactment of the Multiple Use Sustained Act, wilderness groups started asking for the creation of reserves in Federal Lands, and according to Hamilton (cited by Cashore, 1999) preference to ecosystem values instead of economic development was given in those reserves. Because of that Congress passed the Wilderness Act of 1964, where certain Federal areas were designated as wilderness. This law considerably limited the amount of timber that could be extracted from Federal Forests, reducing timber supply. Subsequently, another act called the Wild and Scenic Rivers Act of 1968 was passed. The Wild and Scenic Rivers Act

³ Predecessors of the National Forests.

established three category groups to designate rivers: wild, scenic, and recreational. By having those categories, access by roads and development was restricted, depending on the kind of river (Barton and Fosburgh, 1986). This act allowed agencies the employment of discretionary practices in their administration (Cashore, 1999).

At the end of the 1960s and early 1970s three significant acts were passed, which had a considerable effect on both, forest policy and the relations between State and Society (Cashore, 1997). Those acts were the 1969 National Environmental Policy Act, the 1972 Clean Water Act, and the 1973 Endangered Species Act. With that kind of legislation the right to sue to governmental agencies and corporations for not compliance was granted, and this right was valid for citizens and organized groups, from which environmental NGOs are also included. It is adequate to mention, as highlighted by Cashore (1999), that Democratic Congresses and Republican Presidents passed those laws. In the case of the Clean Water Act, it was even vetoed by the Republican President Richard Nixon.

Regarding the National Environmental Policy Act, it created the requirement for federal agencies to analyze the impacts of federal actions that could have an effect on the quality of the human environment. It established the creation of an environmental assessment process, as well as the requirement to produce environmental impact assessments, which are part of the Forest Service Planning Process. Finally, this act also institutionalized public participation in the decision making process at all agency levels (Barton and Fosburgh, 1986). For the purposes of this thesis, the provisions contained in the National Environmental Policy Act are really relevant, since currently proposed Forest Management Legislation is limiting public participation and environmental impact assessments in some areas. This is going to be reviewed more in detail in the section corresponding to the Healthy Forest Initiative.

In addition to the National Environmental Policy Act, the Clean Water Act is also related to eco-forest policy. The main purpose of the Act is to restrict emissions at pollution sources, and requires from States to follow those restrictions, or to create State level regulations in compliance with Federal law. It is adequate to stress that State level regulations can be stricter than the established at the Federal level. Under the provisions of the Clean Water Act, Federal Agencies are obligated to adhere to State guidelines (Cashore, 1999).

Respecting the Endangered Species Act, it increased the Forest Service's wildlife requirements. The main purpose of this act is to grant the conservation of ecosystems where endangered and threatened species depend. Besides, the legislation includes a section directing the Secretary of Agriculture to implement conservation programs in the National Forest System. The Forest Service is also required to consult with the Fish and Wildlife Service that none of its actions can jeopardize the existence of threatened or endangered species (Barton and Fosburgh, 1986). The Endangered Species Act grants the right of litigation, which is a useful tool for environmental groups. It also directs agencies to list threatened and endangered species, as well as their habitat, followed by developing a plan to enhance species recovery. It is also mentioned that the best data would be used to make the decision, and that the economics effects of a measure should not be considered (Cashore, 1999).

Even with all of those previous regulations, Congress decided to address the issue of forest management in 1974, by passing the Forest and Rangeland Renewable Resources Planning Act. In this Act a detailed process on how the Forest Service should comply with the requirements established under the National Environmental Policy Act. It stated that the Forest Service should make an inventory of both public and private resources every 10 years, and also create a plan every 5 years based on resource goals (Cashore, 1999). The Act also requires a 50 year program projecting management levels. (Barton and Fosburgh, 1986).

According to Barton and Fosburgh (1986), this Act was the result of the increase in timber prices, which was in part because of the National Environmental Policy Act. The timber industry tried to ensure stable timber supply and require long term planning in forest management by the Forest Service. However, environmental groups did not agree with the timber supply proposal, but supported the forest management planning initiative.

The Resources Planning Act was more focused on how the management activities conducted by the Forest Service should be planned, but did not address the techniques that could be used to conduct forest management. A controversy on extensive clearcutting at the Bitterroot National Forest in Montana and the Monongahela National Forest in West Virginia, made that Senator Frank Church (R-ID) developed some recommendations for the Forest Service, asking for moderation, environmental protection and care while conducting clearcutting. Not satisfied with the outcome, Conservationists from the State of West Virginia decided to take legal action in Court based on the Organic Act that limited harvesting to dead, mature, or large growth of trees. The ruling banned clearcutting until the Forest Service's practices were lawful (Barton and Fosburgh, 1986). For that reason, following the court ruling Congress passed the National Forest Management Act, which established that the Forest Service should develop National Forestland and Resource Management Plans considering the multiple uses for each national forest. In addition to that, the provisions established that those plans should be made by interdisciplinary teams involving specialists in forestry, wildlife, recreation, social sciences, etc. (Cashore, 1999). The National Forest Management Act has provisions that limit clearcutting and timber harvesting near water bodies, but it still allows agency discretion and interpretation (*ibid*).

Finally, after passing the National Forest Management Act the U.S. Congress also passed the Federal Land Policy and Management Act, which was focused in the U.S. Department of Interior, Bureau of Land Management. Both acts are quite similar, but in the later specific provisions regarding directions for forest practices or the maintenance of populations of desired species are not included (Cashore, 1999).

Basically, all the previously mentioned Acts constitute the core of the legislation that regulates Forest Management issues in the U.S., at the Federal level. There is also a significant amount of State laws that deal with Forest Management. They have effect on private forest, or on forest managed at the State level, and not by Federal agencies. However, further in this chapter, in the section corresponding to the study cases, an insight on the States of Washington and Oregon legislation is provided.

3.2 The process of passing a law⁴

According to the United States Constitution, the Congress, which consists of a Senate and House of Representatives, is the body in charge of passing legislation.

The Senate is integrated by 100 elected Senators, two from every State. Their appointment term lasts six years, and can be re-elected. A third of the Senate is elected every second year.

⁴ This section is largely based on Johnson, C. (2000), How our laws are made, U.S. Congress. [Online] Available: <http://thomas.loc.gov/home/holam.txt> [October 23, 2003.]

Regarding the House of Representatives, it has 435 members, elected every two years. Usually Representatives are elected by Districts, and the posts are distributed according to the number of constituents. Both, Senators and Representatives have a vote each in their respective Chamber. In addition to the 435 members, the House has a Resident Commissioner from Puerto Rico, and Delegates from the District of Columbia, Guam, the Virgin Islands, and American Samoa. Neither, The Commissioner or the Delegates can vote before the House, but still have the right to vote before the different Committees.

A Congress lasts two years, starting on January of the year following the election of Members. Congress is also divided in two different sessions. Both bodies of Congress have equal power, although some Appropriations and Revenue bills can only be introduced at the House.

Ideas for legislation can be introduced by any member in Congress, either, by their own initiative or as a result of petition by individuals or citizens groups. State legislatures can also ask Congress to enact federal laws, by transmitting memorials to the House or the Senate. Then the proposal can be considered in its original form or even redrafted. Usually the proposal is introduced in the form of a bill, which can be private or public. If the bill affects the population it can be considered public, but if it only refers to a specific group or entity is called private.

When a bill is introduced, it will have the characters "H.R." which means House of Representatives or "S" which means Senate. This is to identify where the bill has been introduced. When the same and identical version of a bill has been voted and passed in both Chambers, it becomes law once the President signs it.

The member who introduces a bill is known as sponsor, but an unlimited number of co-sponsors can support a legislative proposal. The co-sponsors can be original, if they support a bill when it was introduced, or additional, if they support it after it has been introduced. However, in the House, a member can not be deleted or added as co-sponsor once the bill has been referred to the last committee authorized for consideration. In the Senate multiple sponsorship of a bill is allowed.

In the Senate, when a bill is introduced, it is only referred to the appropriate committee if there were not objections.

At present there are 19 committees in the House and 16 in the Senate, and also select committees. There are also four standing joint committees without legislative jurisdiction. Task force committees to address a specific issue can be created. The majority party usually settles the proportion of members from a minority party in a committee.

After referring a bill to a committee, it seeks opinions from the different departments or agencies involved. Sometimes input from the General Accounting Office is asked, to know if about the necessity or desire to enact a bill. Monthly meetings are also hold by the committees, and are usually open to the public, except when the opposite has been decided.

If a bill is of sufficient importance, then the Committee may schedule a date(s) for having a public hearing(s). At the hearing, different witnesses, members, or government officials participate. Witnesses provide a written statement with their testimony, and also have an oral presentation where they can present their testimony. There is also a session of questions, where the members can ask witnesses on the issue.

Upon completion of the hearing(s), the full sub-committee or the committee votes for whether the bill should be or not reported. The bill can be reported with or without amendments, and to do the majority of the committee has to vote for it. In addition to reporting the bill, an additional vote is conducted in order to recommend a bill. The bill can be reported without recommendations, or even with an adverse recommendation, but this is not common to happen. If the committee does not report or recommend a bill, most of the time no further legislative action regarding that bill is conducted. Once the bill has been reported, a calendar number it is assigned to that bill.

After being placed in the Calendar, then the bill is going to be debated by the entire Membership. The settlement of the date when the bill is going to be discussed can be made according to a pre-set criteria, that for the purpose of this thesis is not necessary to mention.

A debate is conducted between the Chairman of the Respective Committee and the Ranking Minority Member. In addition, Members can also take part in the debate. After finishing that debate, the second reading of the Bill starts. Then it is read section by section, and amendments can be offered at the time each section is read. In the case an amendment is suggested, additional debate on the proposal can occur. The amendments and the bills are voted. If passed, the bill goes to the other chamber (Senate or the House), where a similar procedure as that mentioned before occurs. If the identical bill received from the other Chamber is passed, then it is sent to the President to sign it, and become law. If the bill has been amended, then it is sent back to the original House for approval. If the bill is not approved, then a Conference with members from both, the Senate and the House is hold, in order to discuss the differences.

4. Stakeholders influence

This chapter is about the different stakeholders involved in U.S. Forest Policy.

The linkage of this chapter with the previous sections derives from the explanation of the different stakeholders involved in forest policy issues in the United States. Based on the background information of the preceding chapter, it is possible to complement the understanding of who are the major players in forestry matters, as well as the grade of influence of NGOs in the area. This will set the basis to achieve the main research objective of this thesis.

4.1 Stakeholders influence

In general, stakeholders interested in forest policy can include different groups, which can be industry organizations, environmental groups, unions, and professional organizations and other stakeholders (Cashore, 1999).

Cashore divides industry organizations into Federal and State divisions, and basically are related to forest industry organizations, and represent the interest both national and regional groups. Within those groups there are the ones that focus on federal forest policy issues, trying to avoid land management agencies; as well as groups created just to address timber supply issues.

Within the environmental groups, Cashore has observed three kinds of organizations, which can be alliances, radical zero cut groups, and the groups that take a holistic approach towards eco-forest policy change. The scope of the groups varies from those interested in local, regional, or State forest policy, to groups interested in Federal lands. Litigious groups also exist, which besides litigating act as policy advocates.

Regarding unions, it is important to say that they became involved in forest policy mainly because of industry developed partnerships with labor organization in order to respond to environmental pressures (ibid).

While referring to other national and regional organizations, professional foresters, as well as research groups involved in doing analysis and performing studies have a preponderant role in forest policy. Lately, fishers groups have also been involved; because of logging can have impacts on fish-bearing streams (ibid).

4.2 Stakeholder theory

Usually forest policy is really relevant, because of the economic importance of the forest industry, and in some countries, also because of the ownership structure, when it is dominated by a large number of private holdings. However, economic aspects are not the only reason why forest policy is important. The focus has varied from financial and ecological effects of state logging and private forestry grants to operational management guidelines. Aspects such as the number of trees left standing on logging sites, the size of protected forest area, as well as the means and resources for protection landscape and scenic effects of clearcuts have been considered (Rantala and Primmer, 2003). In any case, even when forest policy appears to be a solution for many of the forest problems, Michaelsen et al. (2000) recognizes that regional or forest strategies, if they exist, have not being relevant to stop forest destruction and degradation.

Rantala and Primmer (2003) mention that international processes, science based ideas, and political declarations have influenced national forest and environmental policy making, as well as academic environmental discussions. Doyle and McEachern, (as cited by Rantala and Primmer, 2003) says that environmental policy, in a specific way, refers to governmental processes, and in a broader term, relates when politics are found in the private sector, among informal individuals, networks, groups, and organizations working outside the State.

Sometimes, representation can include subjective or objective interests, which may not precisely correspond to a larger population or even people themselves. Additionally, interests can also take place on psychological properties, which means that an interest becomes attached to individuals just because they chose to have a stake in it. (Wellstead, et al. 2002).

In last decades, it has been possible to observe a tendency to call for participation in forest policy processes, which have been called multi-stakeholder processes. In that kind of processes, forest policy decisions are made in committees and working groups, in collaboration with interest groups representing timber processing industry, forest owners, research representatives and experts. This is not only limited to public forest policy. There is a similar tendency in the private sector, where companies, regulators, and environmental groups are working together to preserve areas or reduce emissions and environmental impacts. NGOs have a relevant role outside the formal decision making institutions in bringing new topics or viewpoints to the agenda, and bringing publicity for environmental issues in forestry (Rantala and Primmer, 2003). It is also suggested that NGOs have had most influence in highly relevant low policy issues accompanied by early and continuous access to decision makers (Van Rooy, 1997).

Taylor (2002) states that NGOs are entities created other than by governmental agreement, and a precise definition on that is difficult to formulate, since NGOs take many forms and include different types of organizations.

The U.N. ESCOR (as cited by Taylor, 2002) defined NGO as

“non profit entit[ies] whose members are citizens or associations of citizens of one or more countries and whose activities are determined by the collective will of its members in response to the needs of the members or one or more of the communities with which the NGO cooperates.”

Taylor (2002) also recognizes the existence of different kinds of NGOs, such as issue NGOs or rights NGOs. Issue NGOs are groups that focus on the advocacy of particular causes, and their members support the goals of the organization, contributing to that specific purpose. On the other hand, Rights NGOs represent the interests and rights of certain groups, which are perceived as disadvantaged. In addition to the previous NGOs, there are also additional differences among those organizations. For example, their structures and procedures are different, but most of them have an interest to influence State legislation or address problems that the State has been unable to solve (Wellstead, Stedman, and Parkins, 2002.) That is not only limited to the National arena, but also on the international stage have earned a growing role on the international stage (Van Rooy, 1997).

There are some perceived major differences between States and NGOs, 1) which can be: emphasis on community building other than interest in gaining power to act at the State level, 2) from an administrative perspective, NGOs do not have bureaucratic operations, which usually promotes greater efficiency, 3) linkages with target populations, which makes NGOs aware of the real needs and realities, 4) Self sufficiency, self reliance, and social innovation as

consequence of fundraising and operational characteristics., 5) freedom from the corruption existing in politics, characterizing State organizations (Taylor, 2002).

Regarding forest policy, even when the role of NGOs can be relevant, regional governments and corporations have more influence on forest management decisions. In a study conducted by Wellstead et al. (2002) it was found that Public Resource Advisory Groups⁵, in the Canadian province of Alberta, as well as the general population perceived that the provincial government and the forest industry had the most influence on forest management decisions. However, forest scientists, environmental groups, and indigenous groups only have a modest level of influence. In any case, the study suggests that scientists should have more influence, followed by rural residents and conservation groups, instead of governmental institutions or industry groups.

Lobbying is one of the NGOs' strategies to influence at the political level. Van Rooy (1997) in an analysis of the strategies followed by Canadian NGOs during the World Food Conference of 1974 and the Earth Summit in 1992, found interesting patterns on how NGOs can play a major role while defining policy issues. These patterns can be used while studying forest management strategies, since they can be similar.

For example, during the World Food Conference NGOs presented a 2,300 name-petition to the President of the Canadian Development Agency to increase Canada's food aid pledge. The next day it was announced that one million of tons of food had been pledged, which was 250,000 more than had been indicated before. NGOs also maintained good contact with the Secretariat of the Host Organization, the Food and Agriculture Organization of the United Nations, and also with official delegations of other countries. As a result of the successful intervention of Canadian NGOs in this process, the issues addressed at the Conference acquired more relevance at the House of Commons in Canada. Because of the publicity of the efforts to increase the food pledge, Howlett (as cited by Van Rooy 1997) says that the Canadian Parliament got a significant number of letters, more than in other issues.

Regarding the Earth Summit in Rio, NGOs took advantage of the high public interest on environmental issues experienced from the mid 1980s. There, problems such as biodiversity, deforestation, and environmental practices took a sound relevance. As mentioned by Van Rooy (1997) NGOs played an important role during that conference, and influenced significantly the five documents prepared, being the Authoritative statement on Forest Principles one of them. One of the reasons of this influence was that the NGOs took part in most of the decision making process at all levels, assisted in writing Canada's interventions, and assessed the delegation on technical points. Retaking Van Rooy (1997), at least at the UN level it is not possible to have debates without the intervention of NGOs. However, it seems that NGOs have more influence when an issue falls under the heading of low policy, and NGOs expertise in that issue is seen to be relevant and reasonable. This applies as soon as the issue is not linked to national security.

From an international perspective, Environmental Non Governmental Organizations have sounded success in using market forces to shape policies, since changing policy can be easier than influencing business dominated policy networks (Cashore, Auld, and Newson 2002).

Environmental NGOs have felt that they have been spending a considerable amount of effort and resources without having significant policy gains. As consequence, groups like the

⁵ Groups to promote a level of public involvement on Forest Management.

World Wildlife Fund (WWF) started a process of certification, which was applicable to forest landowners and forest companies. This certification body is known as the Forest Stewardship Council. (Cashore, et al. 2002). Michaelsen, T. et al. (2000) also support non-governmental processes like forest certification, in order to create in an easier way support for sustainable forest management.

In the United States efforts to preserve biodiversity have focused on public land, because of the acreage owned by the Government. However, private landowners also have an important task to protect biodiversity, since they own most of the land in the country. Gilbreath et al. (cited by Cardskadden and Lober, 1998) says that companies have started to develop policies, incentives, programs, etc. to respond to environmental opportunities and constrains. According to Stead and Stead (cited by Cardskadden and Lober, 1998) those changes are motivated for economic or ecological concerns, as well as green stakeholders.

Wellstead et al. (2002) while talking about local groups developed by the forest industry, found that they were ineffective, because their interests do not correspond to the beliefs, values, or behavior of the public whom they represent.

While studying the specific case of the Finish Forest Industry, it was found that there is a large-scale industrial utilization for raw material on one side, and on the other nature protection, with nothing in the middle. Two kinds of networks were present, one integrated by the forest side, and the other one by nature protection advocates, not existing informal connections with persons from the other position. Strong language is used on both sides, while statements made by the counterparts regarding their intentions, lack of honesty, or interest in gaining power are present. That kind of arguments are positions, are expected to continue in the future (Rantala and Primmer, 2003) reason why its study becomes relevant. In addition to that, this is not only a particular situation found in Finland, but also can be found in other countries such as the U.S., where similarities have been found.

In addition to the previous arguments, different forms of sustainability were found, from economic, ecological or social perspective, reason why room for interpretation is given. The same applies to the concept of precautionary principle, which it is supposed to provide transparency during the decision making process. Different environmental actors, as well as in plans and statements, are using this. Finally, the concept of forest restoration is also used, and also is supported by the forestry actors when implemented in existing conservation areas. Both positions use the authority of science, which means that by having an initiative based on the best available science does not mean that it is going to be the best for the environment. Finally, actors in both positions have competitive interests, existing competition between the environmental organizations, especially in the aspects related to financing and public image (Rantala and Primmer, 2003).

In any case, and according to Van Rooy (1997) if an issue is not on the agenda, it is not possible to change governmental policy. Despite that, if the issue is important for the NGO but it is still not present in the political agenda, then public pressure can be raised in order to prioritize it.

Van Rooy (1997) mentions significant aspects to consider while trying to influence policy. Persuasiveness is important where the NGO seem to be an ally in a public or intra-governmental conflict. If NGOs are inside, it is more likely to assume that their points of view will be taken into account. Reasonableness might also indicate whether an NGO submission can be included or excluded. While defining what is reasonable, the nature of the issue does not represent the more important aspect to consider, but how it is presented, the

solutions available to solve it, and the responsibility attributed to the government to address it. Additionally, NGO's opinions can be ignored if the organization is taking a certain position on an issue outside its recognized area of expertise. It is also possible to state that a key element of influence is early and privileged access. NGOs have had little access to relevant decision making bodies, reason why they depend on outsider tactics to raise and issue. Those tactics can include demonstrations, letter-writing campaigns, among others.

If NGOs are involved in the pre-negotiation process, their influence in the issue has a higher possibility to be more relevant. At the same time, presence at officials meetings is important. However, personal interactions in the corridors outside take a central role (Van Rooy 1997). Cardskadden and Lober (1998) also support this idea. They say that programs leading to improved relationships with regulators and environmental groups were more satisfactory.

Michaelsen, T. et al. (2000) comment that one of the areas that NGOs do not consider is the financial aspects of forest conservation. Usually environmental and social benefits of forests are at the expense of their financial values. It is also relevant to take into account that most environmental regulations are enforced at the state level, reason why involvement with state agencies can be appropriate and beneficial (Cardskadden and Lober, 1998).

4.3 Stakeholders influencing forest policy in the U.S.

As it was previously mentioned, stakeholders influencing forest policy can be divided in four main groups, which act at both, the Federal or regional level. Considering that this thesis is focused on federal legislation, just the main groups working in the U.S. at the Federal level are going to be described in this section.

Regarding forest industry, the American Forest and Paper Association (AF&PA) is the largest forest industry association in the United States (Cashore, 1999). In a personal interview with a high level official of the AF&PA, it was stated that the AF&PA represents members in the development of policy, and specifically works on policies that impact members that can be affected in their competitiveness, as well as in the amount of timber supplied. Following Cashore (1999), this association is the result of mergers of small forest organizations, which took place in the early 1990s.

Concerning environmental group focused on federal lands, Cashore (1999) states that there are four key national membership based groups, and those are: the National Audubon Society, the National Wildlife Federation, the Sierra Club, and the Wilderness Society. It is important to add that from those groups, all of them, with the exception of the Audubon Society have offices in the Pacific Northwest region. Groups based in Washington, D.C. seek to interact with government officials, the White House, and Congress, which included congressional offices and committees. There are four major litigious groups in the United States, which are the Natural Resources Defense Council (NRDC), Defenders of Wildlife, the Sierra Club Legal Defense Fund (SCLDF), and Environmental Defense Fund. From them, the most important are NRDC and SCLDF.

There are also environmental groups formed as result of alliances, which were funded by different foundations. Those groups are: the Western Ancient Forest Campaign, created to distribute information among different regional organizations in the Pacific Northwest and national environmental groups; the Ancient Forest Alliance; and the National Forest Protection Campaign (ibid).

Within the more radical environmental groups there is a group called Save our Forests, with more than 500 organizations affiliated, and more than 3 million membership. This group focuses on lobbying Congress to protect ancient forests and wilderness areas on U.S. Federal Lands. Greenpeace has also been involved in federal policy issues, by lobbying for the Northern Rockies Ecosystem Protection Act (ibid).

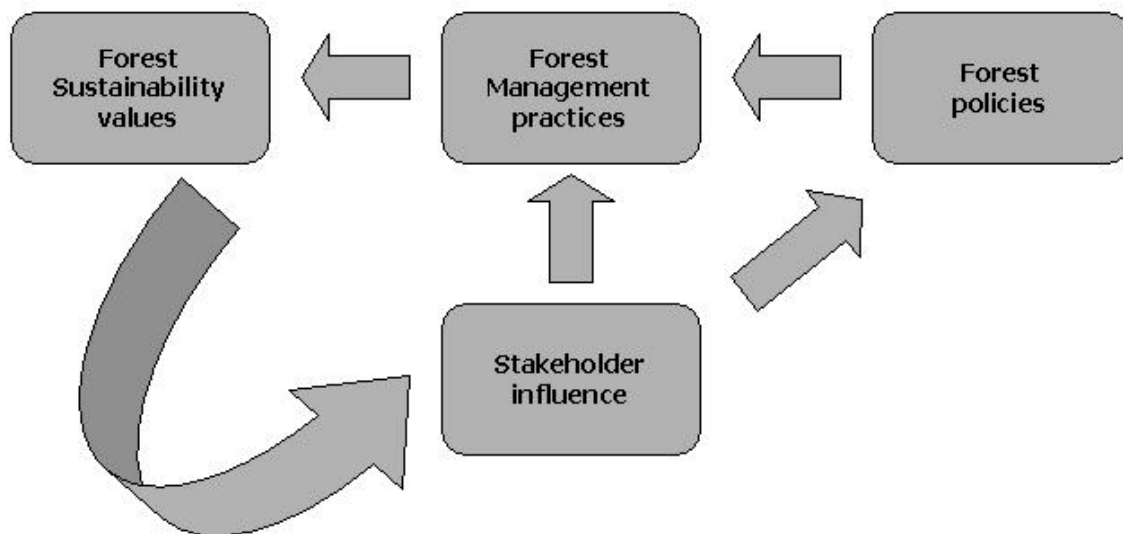
Respecting unions, Cashore (1999) says that the most important alliances between the Forest industry and labor organizations were with the United Brotherhood of Carpenters and Joiners of America, the Western Council of Industrial Workers, and the International Woodworkers of America. Some groups that were not so actively involved in forest policy were the United Paperworkers International Union, the Association of Western Pulp and Paper Workers, and AFL-CIO. This motivated the creation of the Forest Products Industry National Labor Management Committee, a coalition that represents the interest of unions of labor and management of the forest industry. Cashore (1999) says that at least in the Pacific Northwest, unions are not very relevant in forest policy issues, however, as it was observed by performing this thesis, it can be said that unions do not take a preponderant role in the forest policy arena.

Finally, the last stakeholder group, includes professional organizations and other stakeholders. Those organizations are: the Society of American Foresters, which represents professional foresters; and American Forests and the World Resources Institute; focused on performing important studies and analysis, developing expertise for environmental groups and other players involved in the area of forest policy. Regarding stream-side forest practices issues, the Pacific Coast Federation of Fisherman's Associations has been also active at the Federal level (ibid).

4.4 Stakeholder theory concluding models

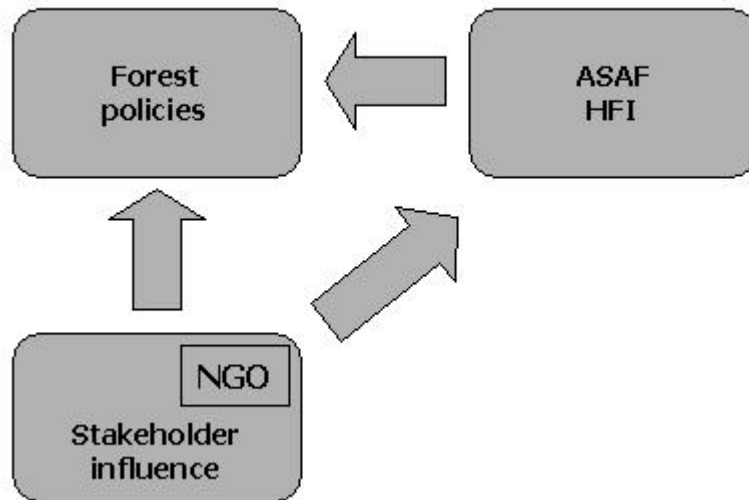
Based on stakeholder theory, it is possible to conclude that forest sustainability values are going to influence stakeholders to influence forest policy, and forest management practices. This would result in the modification of forest sustainability values, which influence again stakeholders, creating a cyclical behavior, which is represented in the next figure:

Figure 2: Forest sustainability values and forest policy



In order to modify forest policy, NGOs, as part of the stakeholder group would try to lobby different acts, which for the purpose of this thesis can be the Act to Save America's Forests or the Healthy Forest Initiative. This is represented in the next model:

Figure 3: Forest policies and Stakeholders



5. Forest Management Case and Legislative Initiatives.

This chapter starts with a case on the Pacific Northwest, which shows the reader how environmental NGOs have influenced forest policy in the U.S. Following that case, two main legislative initiatives are mentioned: the Act to Save America's Forests, and the Healthy Forest Restoration Act. The initiatives are described into detail, in order to provide the reader with an overall understanding of the cases, and what is proposed in every one. It will describe some challenges to the proposals, and the most important, the intervention of stakeholders in the initiatives.

In this section the Pacific Northwest Case is described in a different way than the Act to Save America's Forests and the Healthy Forest Restoration Act. This is because the former is not a specific legislative act, which is the case of the Act to Save America's Forests and the Healthy Forest Restoration Act. Further on, on the Analysis part of this thesis, both acts are going to be compared between each other, reason why they, in this chapter, they were presented in a similar way. Even when an effort to present both acts in the same way was done, it is important to mention that there are some disparities between the two legislative proposals, which did not allow having identical information.

There are various reasons why the previously mentioned cases have been selected. Regarding the Act to Save America's Forests, it has been because the author of this thesis worked for three months at the organization Save America's Forests, which is doing advocacy for passing the Act. This working period allowed the author of this thesis to get a good insight on this legislation proposal, including its strengths, and weaknesses. In addition to that, the Act to Save America's Forests has some support from lawmakers, other NGOs, scientists, and civil society, reason why its study becomes more relevant. Regarding the Roadless Rule, it is interesting to study it from the perspective that this initiative, which was signed at the end of the Clinton Administration, was shaped by the public, NGOs, governmental agencies, among others. The rule was not a kind of legislative proposal, but an administrative procedure, and it affects a considerable extension of land. In addition to the prior, the Roadless rule can also be seen as a part of the Act to Save America's Forests from the perspective that one of the sections on this Act addresses the issue of roadless areas. Practically, after passing the National Forest Management Act of 1976, there have not been major proposals affecting forest management other than the Pacific Northwest Plan and the Roadless Rule. Considering this, the Healthy Forest Initiative is the first major legislative initiative dealing with Forest Management issues at the Federal level in more than 20 years. The U.S. House of Representatives voted for the proposal, as well as the Senate, and a final bill was agreed between the House-Senate by a Conference Committee on late November, initiative that was signed by President Bush in early December, becoming public law. Furthermore, the author of this thesis had the opportunity of following the legislative process of the Healthy Forest Initiative by attending important meetings and hearings at both the House of Representatives and the Senate, reasons why it is convenient to use it as an empirical case study.

Respecting the Pacific Northwest Case, it has been selected because of it allows to realize the degree of influence of NGOs in forest policy in the U.S. Basically because of the NGO's interest on threatened species such as the Spotted Owl, strong forest management legislation was enacted at the Federal level, which at the end resulted in stricter laws at the State level.

5.1 Learning from a literature case on stakeholder influence in the Pacific Northwest

Cashore (1999) provides us with an interesting forest legislation case, in which different policy changes in the Pacific Northwest are highlighted, as well as the main driving forces influencing those shifts. Forestland in the Pacific North West represents approximately half of the total land base in that area. As it was mentioned before, most of the Federal Forest is located in the West. Regarding forest policy, the Pacific Northwest has experienced a shift as product of societal influence on the environmental issues. Specifically in the States of Washington and Oregon, it is possible to find a difference between Federal and State forest management, since Federal forests are highly regulated and State forests have a more flexible legislation.

Until the 1960s, the forest management pattern of enhancing the volume of harvested timber by using intensive management techniques was widely applied. However, concerns about the environment at the early 60's led to challenging that pattern. By the mid-1970s management in Federal lands changed to a multiple use approach, not being the commercial value of the forest the number one priority anymore. At the State level the number of regulations also increased, but the approach continued to be timber oriented (Cashore, 1999).

Even when policy change followed, it was until the late 80's that the concept of ecosystem management originated a significant shift in policy. By ecosystem management Cashore (1999) means a system that concerns about the maintenance of biodiversity, which of course requires more planning, but from a holistic point of view. The main consequence of this has been that timber harvesting became a surplus, which was obtained after enhancing biodiversity and protecting the environment (*ibid*).

For the purpose of this literature case, Cashore (1999) examines what seven different measures meant for forest policy in Oregon, and Washington State, as well as on US federal forestlands from 1975 to 1995. The measures are related to: 1) clearcuts, 2) riparian zones, 3) endangered species/biodiversity, 4) reforestation, 5) road building, 6) the level of cut allowed per year, and 7) forest protection.

- 1) Clearcutting and harvesting techniques. The National Forest Management Act limited clearcutting to areas where it was silviculturally essential in order to achieve forest management objectives. In the Pacific North West clearcuts were limited to 60 acres (24.28 hectares) for Douglas-fir forests and 40 acres for other kinds of forest. However, clearcutting continued to be employed as the dominant method of harvesting, although a directive in 1992 was limited to the areas where it was essential. Until 1991, State level legislation did not establish clearcut sizes. For example, in Oregon clearcuts were restricted to 120 acres in a single ownership, while Washington to 240 acres, with the difference that the Department of Natural Resources would evaluate clearcuts in excess of 120 acres.
- 2) Streamside Riparian Areas. At the Federal level, regulations on National Forests established that management practices should not occur 100 feet from any body of water. Since 1991, because of the Northern Spotted Owl issue, stricter harvesting rules were introduced. In 1987, Oregon rules changed from an approach on what should be avoided, to one requiring approved written harvesting plans. Anyway, in 1991 it was added to the legislation that a certain percentage of trees have to be left when conducting clearcutting or selective harvesting. In Washington State, the original rules dictated that timber practices should be avoided near streams, and also created certain zones where the usage of logging equipment should also be minimized.

As of Spring 1998, additional regulations created because of the Clean Water Act requirements started to be developed by an advisory body, which was integrated by representatives from the industry, tribe representatives, and the Washington Environmental Council.

- 3) The enactment of the Endangered Species Act, and Forest Service guidelines to maintain species diversity led to litigation by environmental groups which included listing the Northern Spotted Owl as endangered; the Option 9 plan, which included the principles of ecosystem management, and finally, a decrease in the volume of timber that can be harvested from federal lands.

Regarding Oregon State, the original rules stated that consideration to wildlife habitat should be given, but this changed in 1987 when the Department of Forestry was required to have inventories of endangered and threatened species, as well as documentation of sites relevant for scientific purposes. Basically the rules are focused on limiting harvesting during certain periods (e.g. reproductive seasons) or banning logging in special sites.

In Washington State the rules changed from the requirement to leave the area in condition that allows timber harvesting and encourages wildlife, to regulated harvesting near Spotted Owl and Marbled Murrelet habitat. The Bureau of Natural Resources, in a plan focusing on protecting the Northern Spotted Owl, converted land from commercial land, reducing the amount of harvesting in those areas.

- 4) Reforestation. For the purpose of this thesis, the information on this issue has not been included, since relevant changes on this matter have not occurred.
- 5) Road building. Federal legislation in the 1970s established that permanent roads should be designed with the goal of achieving the restoration of vegetative cover within a 10-year period. The Spotted Owl issue increased regulations in the early 90's, limiting road construction in riparian areas and requiring the performance of analysis in water supplies before starting construction of roads.

Regarding State level legislation, rules have slightly changed from a few rules aimed to minimize the risk of building roads to obtain approval from competent authorities to conduct projects.

- 6) The Annual Allowable cut. From the mid 60's, a policy requiring a "non-declining even flow" was created. Although changes have not been made to the equation, timber harvest has been reduced in the Pacific Northwest areas inhabited by the Northern Spotted Owl. As consequence of this, timber harvesting in Washington has declined to 150 million board feet and in Oregon to 515 million.
- 7) Forest preservation policies. Cashore (1999) states that Forest Preservation usually occurs in two ways: by having special initiatives aimed at preserving selected forest areas, or because of wildlife protection and forest practices policies. A difference on the occurrence of both situations is noted, since most of the forest protection in the Pacific Northwest before 1990's can be attributed to the special initiatives, while wildlife protection and forest practices had a major role in the 90's. Hamilton says that over 100 million acres have been protected as result of federal statutes (cited by Cashore, 1999). Regarding the Pacific Northwest, most of the protection occurred as a result of efforts to save the Spotted Owl.

By analyzing all of these changes, Cashore (1999) finds that in general, the change in societal values as well as the two waves of environmentalism from the late 60's to mid 70's, and from the late 80's to the early 90's, are the reasons why policies dealing with eco-forest protection increased. However, a valid reason to explain the difference between the measures taken at the Federal level, and those applied at the State level was not found. At the same time, similarities on the level of interest on environmental issues could not explain both, the increase of interest groups interested in federal land issues, and the limited number of those groups dealing with State level legislation.

Forest economy plays a more important role in the States of Oregon and Washington than in the rest of the U.S. Cashore (1999) says that because of the economic importance of the forest industry for the State economy, stricter regulations dealing with State forest have not occurred. In addition to that, this economic factor might also influence in the decisions made by the legislature or the Board of forestry.

Regarding private land, due to the legislation on private property, it is not possible to make considerable restrictions to timber extraction. Some restrictions referring to aspects dealing with zoning and forestland conversion exist, but the fact that private land is not considered for creating reserves where harvesting can not occur, leaves not much room left for establishing policies (at the State level) aiming to promote eco-forestry.

The possibility for US agencies to be sued if they do not accomplish with the requirements established in the legislation grants to environmental groups the opportunity to take in the decision making process, because they do not want to be sued. Simultaneously, litigation is a source of dramatic policy change. This situation is not the same at the State level, where legislation tries to avoid litigation and reduce the ability of agencies to influence forest regulations.

“Virtually all of the late 1980s and early 1990s federal forestlands policy changes”...“can be traced to the Spotted Owl litigation” (Cashore, 1999). Environmental groups such as the Sierra Club, have used the ownership pattern for their own interests, challenging the efficiency of the initiatives to protect the Spotted Owl considering that they are for Federal land, and do not affect Private land.

5.2 The Act to Save America's Forests

5.2.1 Background

The purpose of this section is to include a chronological history on the ASAF, which is one of the major projects of this organization, as well as one of the studied Acts of this thesis.

Basically, since the first intervention in Congress, the Acts introduced were focused on amending the Forest and Rangeland Renewable Resources Planning Act of 1974. The main objective of that 1974 Act is to protect, develop, and enhance the productivity and other values of certain of the Nation's lands and resources (Public law 93-378-Aug. 17, 1974). The act established the basis on how the U.S. Forest Service operates today. The Resources Planning Act asked the Forest Service to prepare three types of planning documents: an assessment of the status and needs of forest and rangeland resources every ten years, a 50 year program projecting management levels and budget requests to be updated every five years, and individual land management plans for units of the National Forest System to be updated every 15 years.

The Resources Planning Act program, the regional guides, and the forest plans, must follow several general requirements. They must meet requirements set in the National Environmental Policy Act and thus require the preparation of a draft and final environmental impact assessment. Public participation in the development of the planning process is also needed. In addition to this, regional guides and forest plans must be developed with the aid of interdisciplinary teams, with experts from the economic, physical, biological, and social sciences, as well as environmental design. (Barton and Fosburgh, 1986)

It is important to mention, that the ASAF also considers the amendment done to the 1974 Act, which is called the National Forest Management Act of 1976. This law deleted the language included in the 1974 Act, which was copied from the Organic Act, which was interpreted as a prohibition to clearcutting. In the Organic Act of 1897 (Act of June 4, 1897, Ch. 2, 30 Stat. 11, currently codified at 16 U.S.C.A. 473-475, 477-482, 551) cutting was limited to the dead, matured or large growth of trees found on the reserves.

The 1976 Act also contains some restrictions on timber management, maintenance of animal and plant species diversity, and rotation ages.

5.2.2 Purpose

The purpose of the Act to Save America's Forests is, on all Federal Land, to conserve native biodiversity and protect all native biodiversity and protect all native ecosystems against losses that result from:

- 1) Clearcutting and other forms of even-age logging operations.
- 2) Logging in ancient forests, roadless areas, watershed protection areas, and special areas.

5.2.3 Short summary

The ASAF Amends the Forest and Rangeland Renewable Resources Planning Act of 1974 to change eligibility criteria for members of the land and resource management scientific committee. It adjusts the committee termination date to ten years after enactment of this Act.

Pledges for conservation and restoration of native biodiversity in forested areas.

Bans clearcutting and other even-age logging operations on any stand or watershed on certain Federal land, National Forest System land, and National Wildlife Refuge System land. Provides for: (1) Federal enforcement; and (1) a private right of action.

Describes special areas as Federal forest land parcels possessing outstanding biological, scenic, recreational, or cultural values which may not meet the definitions of ancient forests, roadless areas, or watershed protection areas.

Designates specified special areas which shall be subject to restrictions on road construction and logging in the following States: (1) Alabama; (2) Alaska; (3) Arizona; (4) Arkansas; (5) California; (6) Colorado; (7) Georgia; (8) Idaho; (9) Illinois; (10) Michigan; (11) Minnesota; (12) Missouri; (13) Montana; (14) New Mexico; (15) North Carolina; (16) Ohio; (17) Oklahoma; (18) Oregon; (19) South Carolina; (20) South Dakota; (21) Tennessee; (22) Texas; (23) Vermont; (24) Virginia; (25) Wisconsin; and (26) Wyoming.

Provides for the appointment of a committee of independent scientists to recommend additional special areas.

Restricts road construction and logging on Federal land in ancient forests, special areas, roadless areas, and watershed protection areas. Provides for: (1) Federal enforcement; and (1) a private right of action.

5.2.4 Relevant aspects of the Bill

The ASAF is divided in three different titles, integrated by different sections, and an additional section with findings and purpose of the act, which is found at the beginning of the document. The purpose of this part of the study aims to summarize the parts that at the best of the author's knowledge are relevant for the purpose of this research.

5.2.4.1 Findings and Purposes

The ASAF states that Federal Agencies such as the Forest Service, the United States Fish and Wildlife Service, and the Bureau of Land Management are permitting clearcutting and other forms of even age logging operations. It makes reference to most of the facts mentioned in the previous section, and that are related to the environmental consequences of even age management methods such as clearcutting.

The fundamental objective is to substitute clearcutting by selection management, as well as other forms of even age logging operations, including stopping logging in ancient forests, roadless areas, watershed protection areas, and special areas.

5.2.4.2 Title I: Land Management

It proposes the establishment of a Committee of Scientists, which would be appointed by the Secretary, and its functions would be to advise scientifically and technically to Congress and propose technical advise and direction on guidelines and procedures on all the issues involving forestry and native biodiversity, to promote an interdisciplinary approach. The Committee would be formed by independent scientists, which are not working for the Forest Service nor any other public entity, and at the same time, are not related or linked to the forest and most of them should not be foresters.

In addition to the Committee of Scientists, a committee of qualified foresters would also be appointed. This committee should have been trained in conservation biology, as well as in selection management.

5.2.4.3 Administration and management

The ASAF would amend the Forest and Rangeland Renewable Resources Planning Act of 1974 by adding a conservation of native biodiversity section, which is mentioned below:

The ASAF applies to the administration and management of: National Forest System land, Federal Land, under the Federal Land Policy and Management Act of 1976, National Wildlife Refuge System land, under the National Wildlife Refuge System Administration Act of 1996.

The Act claim vows the conservation or reforestation of native biodiversity in each stand and watershed in every forested area, except when authorized mineral development or

construction related projects take place. In the latter situation, the conservation of native biodiversity would be practiced at the major possible extend.

In this section certain logging practices are prohibited. Specifically the ASAF makes reference to even age logging operations, which can include clearcutting, high grading, seed-tree cutting, shelterwood cutting, or any other logging method that is not consistent with selection management. In this part, the removal of invasive species is not considered even age logging operation. This allows cutting of invasive species, which are not native to North America.

The principles described in the ASAF should be enforced by the Secretary of Agriculture, the Secretary of the Interior, and the Attorney General, against any person that violates one or more than those provisions.

The ASAF also allows citizen to bring civil action in any United States district court for a declaratory judgment, a temporary restraining order, and injunction, statutory damages, or other remedy against a violator, including the United States. If a district court has found a violation of what is stipulated in the ASAF, the district court shall impose a damaging award of not less than \$5,000.00 (Five thousand dollars), may issue 1 or more injunctions or other forms of equitable relief, and should award to the plaintiffs reasonable costs of bringing the action, including attorney's fees, witness fees, and other necessary expenses. Non federal violators would have to pat a damage award to the Treasury, as well as certain violators designated by the court.

The ASAF, as mentioned in the previous paragraph, establishes the possibility of challenging federal law, obligating the Treasury of the United States to pay damage awards. The ASAF also establishes that the award should be used to restore native biodiversity on Federal land or adjoining Federal land. In the case of federal violations, the court costs would be paid by the Federal violator.

5.2.4.4 Title II: Protection for ancient forests, roadless areas, watershed protection areas, and special areas

On this section the ASAF mentions some findings, and some of the most important for the preparation of this thesis are that unfragmented forests on Federal land, are damaged by extractive logging. It also states that less than 10 percent of the original unlogged forests of the United States remain, and that the majority of those remains are located on Federal land.

Additional findings say that:

- There is scientific that several thousand species of plants and animals depend on large and unfragmented areas, as it was demonstrated in the first chapter of this thesis.
- The destruction of large-scale natural forests has resulted in a tremendous loss of jobs in the fishing, hunting, tourism, recreation, and guiding industries, and has affected other activities of forest industries such as the collection of mushrooms and herbs.
- Extractive logging programs on Federal land are carried out at high financial costs to the Treasury and taxpayers.
- Ancient forests are being threatened by logging and deforestation, and are rapidly disappearing. Regarding ancient forests it also says that they help maintain biodiversity, which has also the same meaning as the first finding at the top of this list.

- Prohibiting extractive logging in the ancient forests would create better conditions to ensure and maintain stable populations of some species, including vertebrates, invertebrates, plants, and plants associated with those forests.

There additional findings that are related to roadless areas, an issue that is going to be considered shortly, on this chapter. Some of those findings are:

- Roadless areas provide wilderness, as well as wildlife and recreation.
- Large unfragmented forests, which are contained in large part on roadless areas on Federal land, are used as refuges for native and animal and plant biodiversity, and are vital to maintain viable populations of threatened, endangered, sensitive and rare species.

Following those findings, the ASAF provides a definition for Ancient Forest, which is very convenient to include, due to the statements made by some of the opponents of the Act. Another interesting fact, is that it distinguishes among old growth forest in the northwest, the eastside Cascade ancient forest, and the Sierra Nevada ancient forest.

Further, the section designates special areas, which even when there are not ancient forest, roadless areas, or watershed protected areas, have additional value. To designate whether a land has or not additional value, the ASAF creates four groups: biological, scenic, recreational, or cultural value. If a land has at least one of those characteristics, it can be designated as a special area, and then be subject to protection.

Some of these values are listed below:

- Biological values. It can include an area where threatened species or endangered species of plants and animals are present. It also applies to rare or endangered ecosystems, key habitats necessary for the recovery of endangered or threatened species, sources of clean water such as key watersheds, and unrepresented areas in the forest ecosystem, such as migration corridors, areas of outstanding biodiversity, old growth forests, and commercial fisheries.
- Scenic values. It can include the presence of uncommon geological formations, wild and scenic rivers, among others.
- Recreational values. It can include the presence of areas that are popular for recreation, and include hunting, fishing, camping, hiking, aquatic recreation, and winter recreation. Federal lands underserved in terms of recreation, and land adjacent to designated wilderness areas.
- Cultural values. It might include the presence of sites with Native American religious significance, as well as historic, archaeological or prehistoric sites, which would be eligible for listing on the national historic register.

Finally, a specific size for the designated areas has not been assigned, and it can depend on the specific values that are going to be protected.

Throughout this section, the ASAF makes specific reference to what specific lands would be included in the special areas. However, for the purpose of this thesis, it is not relevant to mention that kind of information on this thesis.

Making reference to the previously mentioned committee of scientists, not later than 2 years of the date of the enactment of this Act, the committee shall provide Congress with recommendations for additional special areas.

5.2.4.4.1 Restrictions

Restrictions on management activities in ancient forests, roadless areas (except military installations), watershed protection areas, and special areas, the following rules would apply:

No roads shall be constructed or reconstructed.

No extractive logging shall be permitted, and

No improvements for the purpose of extractive logging shall be permitted.

Any road that the secretary determines to have been abandoned before the date of enactment of this Act shall not be maintained or reconstructed. However, the restrictions do not apply to the maintenance of an improved road, or any road accessing private inholdings.

5.2.4.5 Title III- Effective date

Finally, the ASAF as well as the amendments made by it, would take effect on the date of enactment of the Act. The ASAF would not have any effect on any contract for the sale of timber that was entered into or on before the date of enactment of the ASAF.

5.2.5 Legislative status

In general, after reintroducing the Act to Save America's Congress at the House of Representatives on August 13, 2002, not major legislative actions have occur, other than referring the Act to the House Subcommittee on Department Operations, Oversight, Nutrition, and Forestry. Respecting the Senate, since its reintroduction on August 1, 2002, the only major action taken has been its referral to the Committee on Energy and Natural Resources. The same occurred with its latest reintroduction on November 24, 2003.

Basically since its introduction for the very first time at the 101st Congress, and consecutively, the legislative status of the ASAF has not radically changed to what it is today. However, two other initiatives, closely related to the content of the ASAF will be mentioned in the next subsections. Those initiatives: The Montana Wilderness Act of 1994, and the Roadless Rule, provide a picture of the political relevance of the ASAF, even though, it has not been really successful in Congress.

5.2.5.1 The Montana Act

On May, 1994, after more than two decades, the House of Representatives in the U.S. Congress voted an initiative which was linked to clearcutting and roadbuilding in federal forest lands. Representative John Bryant, offered an amendment to the Montana Wilderness Act, HR 2473. HR 2473 would designate 1.7 million acres of high elevation federal lands as wilderness, but would lower the level of protection for over 4 million acres of wild and

roadless federal forests not designated as Wilderness. The purpose of this amendment was require the U.S. Forest Service to prohibit clearcutting on federal lands scheduled for release in the bill; prohibit the construction of roads in roadless areas; and require the Forest Service to conserve and restore native biodiversity on lands released for multiple-use management.

Following there is a summary of the Montana Wilderness Act of 1994, which:

- Designates some National Forest System lands in Montana as components of the National Wilderness Preservation System.
- Sets forth provisions concerning the water rights in such wilderness areas.
- Designates special management areas, and states that timber harvesting in the some natural areas must be compatible with the purposes of its designation.
- Designates some areas as wilderness study areas
- Transfers administrative jurisdiction over certain lands from the Bureau of Land Management to the Forest Service.
- Directs the President to establish an independent scientific panel for the study of the ecosystems and economics of the Northern Rockies.
- Requires the panel to: comply with applicable tribal laws; and notify owners before entering non-Federal land.
- Redesignates specified lands as National Education and Recreation Area and Wilderness. Withdraws specified lands from mineral and geothermal entry, appropriation, and disposal.
- States that National Forest System lands in Montana not designated as wilderness, special management, national recreation, or wilderness study areas shall be managed for multiple use in accordance with land management plans and that the areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of these plans.

Regarding the lands in Montana not designated as wilderness, HR1164 provides that those lands can be managed according to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. Additionally, it says that unless established by Congress, the Department of Agriculture should not conduct any further roadless area review and evaluation of National Forest System lands in the State of Montana for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System. In addition, it also applies to the National Forest System roadless lands in the State of Montana, which are less than 5,000 acres in size. (U.S. House of Representatives, 1994)

On the National Forest Management Act of 1976, in the title National Forest System Resource Planning, part D grants the Forest Service a permit to increase harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement, if such practices justify increasing the harvests. In addition, on part F, it establishes that clearcutting, seed tree cutting, shelterwood cutting, and other cuts to regenerate an even aged

stand of timber will be used as a cutting method on National Forest System lands. It automatically means that in the land not included as Wilderness in HR1164, intensive management would be performed by the Forest Service, since they are authorized by law to do so, and the HR1164 clearly mentions that they are allowed.

5.2.5.1.1 *Main issues of the Montana Act*

The amendment only received 142 out of 218 votes in Congress, which means that it got 66% of the votes needed to pass legislation. This amendment is very similar to the ASAF, but it would only be applicable to Montana. Even though the amendment was not passed, Save America's Forests (1994) considered this vote an important step to educate Congress on relevant forestry problems. From a political perspective, the vote on the amendment also shows the relevance of the ASAF, since it was supported by many groups in the U.S. such as the Sierra Club, the National Audubon Society, the Greater Yellowstone Coalition, the Montana Wilderness Association, the Yellowbark Society, Northwoods for a Sustainable Forest, Forest Trust, among others. However, in the legislative process to pass the Bryant amendment were involved many different facts and interests, which made really difficult to get more votes on the floor. More on this players and interests groups is going to be commented on the section on the Healthy Forest Initiative, as well as in the Analysis chapter of this thesis, which will allow the reader to understand the controversies of the issue.

5.2.5.2 **The Roadless Rule**

One of the parts of the ASAF, as was described before, includes a part that refers to roadless areas, creating certain restrictions such as prohibiting construction or reconstruction of roads, no permitting extractive logging, and not allowing improvements for the purpose of extractive logging. Basically, most of those aspects were included into an initiative signed by President Bill Clinton, almost at the end of his Presidency in the year 2001. The rule was a result of a three-year process, which included 600 public meetings and more than 1.6 million of public comments, which supported the strong protections that were adopted. The National Resources Defense Council (2001).

Inventoried roadless areas⁶ in that rule represent one-third of all National Forest System lands, or 58.5 million acres. This constitutes an approximately 2% of the total land of the Continental United States. In that land are found 661 major watersheds from a total of 2000 in the Nation.

On average, every year 3.2 million acres of forest, wetland, farmland, and open space were converted to more urban uses between 1992 and 1997. However, between 1982 and 1992 the rate was only 1.4 million of acres. Inventoried roadless areas provide clean drinking water and function as biological reserves for threatened and endangered species. They provide large, and quiet landscapes that are important to biological diversity and long-term survival of many species. Inventoried roadless areas also provide opportunities to conduct recreation activities, as well as create barriers against invasive plant species, and provide reference areas for study and research. (U.S. Department of Agriculture, Forest Service, 2001).

⁶ Areas identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation, Final Environmental Impact Statement, dated November 2000 held at the National Headquarters office of the Forest Service. (U.S. Department of Agriculture, Forest Service, 2001)

From an economic perspective, the Department of Agriculture (2001) expressed its concern regarding building new roads in inventoried areas, since currently exists more than \$8.4 billion in accumulated deferred maintenance and reconstruction on the more than 386,000 miles of roads in the Forest Transportation System. The agency receives less than 20% of the funds needed annually to maintain the existing road infrastructure. If roads are not maintained, problems such as erosion, and water quality degradation can appear. In addition to that, due to the conditions of roads, it is more difficult for the Forest Service to fulfill its objectives, such as protecting drinking water supplies, and furnish a sustainable supply of timber.

In the following paragraphs, a summary of the roadless rule is presented:

- A road can not be constructed or reconstructed in inventoried roadless areas of the National Forest System, except in the next situations:
 - If a road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or a catastrophic event that, without intervention would cause the loss of life or property.
 - A road is needed to conduct natural restoration actions, to maintain certain rights granted by a certain statute, road alignment is needed because of a need of public or private access, natural resource management, or public health safety.
 - If a land is acquired and a road is needed in the public interest, depending on the reasons why the land was acquired, and no additional alternatives exist.
 - A road is needed in relation to the continuation, extension, or renewal of a mineral lease, on lands managed by the Department of the Interior.
 - Maintenance of classified roads is permissible in inventoried roadless areas.
- Prohibition on timber cutting, sale, or removal in inventoried roadless areas:
 - Timber can not be cut, sold, or removed in inventoried areas except when the Responsible Official determines one of the following circumstances:
 - If the timber is of small diameter, and the purpose of it is to improve threatened, endangered, or sensitive species habitat.
 - Maintain or restore the characteristics of ecosystem composition and structure, such as reduction of fires that does not occur under natural circumstances.
 - The cutting, sale or removal of timber is appropriate for personal or administrative use.
 - Roadless characteristics have been altered in a proportion of an inventoried roadless area of a classified road and subsequent timber harvest. Timber may be cut, sold, or removed only in the substantially altered portion of the inventoried roadless area.
- Scope and applicability.

- The rules do not affect other legal instruments authorizing the occupancy and use of National Forest System land issued prior to January 12, 2001.
- It also does not affect projects started or approved previous to January 12, 2001.
- The prohibitions and restrictions of this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions.
- If a part of the rules or its application is declared invalid, the rest of the regulations remain in force.

5.2.5.2.1 Main issues of the Roadless Rule

The roadless rule is a regulation that was only introduced at an Agency level, which was supervised by the President of the United States, and developed by the U.S. Department of Agriculture. However, that rule was not a law formally introduced, and passed in Congress. For that reason, it has the problem that can be reviewed and modified by other administrations, and even loss its effect.

Some environmental organizations are claiming that the rule is not being defended by the Bush Administration, and that even is being challenged by it. The National Resources Defense Council along with Earthjustice Legal Defense Fund, filled an appeal against a Judge ruling to adjunct the rule, and according to them it has cleared the way to implement it. NRDC (2003).

On the other side, the U.S. Secretary of Agriculture (2003), has announced that the rule, which restricts logging and road building activities in 58.5 million acres of national forest lands, is going to be implemented. However, major changes are going to be proposed, and some of them are:

- The rule is going to be implemented by using reliable information and accurate mapping.
- The U.S. Department of Agriculture will work with states, tribes, local communities and the public through processes that consider local inputs and information.
- Roadless areas are going to be protected from the negative effects of wildfire, insect, and disease activity.
- Property, communities, and home, as well as protecting access to property is going to be granted.

During a meeting with representatives of the U.S. Department of Agriculture, one of the aspects that was highlighted is that some of the maps used to prepare that rule, were almost 30 year old. NRDC (2003) says that this, as well as that the public was not given maps of the areas or time to comment on the draft rule, are false, and it is going to be demonstrated on appeal.

In the 2001, Judge Edward J. Lodge of the U. S. District Court of Idaho granted a motion for preliminary injunction by the state of Idaho, Boise Cascade Corporation and recreational

groups. The groups sued the Federal Government arguing that the rule would cause irreparable damage to them. Originally the ruling was not subject to appeal because it was preliminary, since the Court was waiting for a report from the Federal Government. The Administration upheld its implementation, and the Court ordered the injunction. NRDC (2001).

Regarding the proposal by the U.S. Department of Agriculture that roadless areas are going to be protected from fire and disease, it is important to mention that this fact is not convincing, according to environmental groups. The Sierra Club (2003) provided data stating allows to conclude that most of the fires are caused by human activity. It represents 80% of the fires in the West, and 97% in the East that 95%.

In addition, it is also mentioned that the Administration is considering to give governors in 49 States broad discretion to waive environmental safeguards under special circumstances, situations that can be interpreted broadly by agency officials. The State of Alaska has filled a lawsuit to allow road building and other development activities in the Tongass, the largest national forest in the United States. (NRDC, 2003). In response to the lawsuit, the Bush Administration has said that it is going to exempt the Tongass from the rule. Sierra Club (2003)

While considering the cost associated to the Roadless Rule, the U.S. General Accounting Office, based on a Cost-benefit analysis conducted by the U.S. Department of Agriculture, Forest Service, expressed that this proposal would result in the loss of 461 timber jobs and 841 total jobs, with associated annual losses of \$20.7 million dollars in direct income and \$36.2 million in total income. In addition to that, in the longer term, 269 timber jobs and 431 total jobs could also be affected by reducing harvests on the Tongass National Forest of Alaska. These numbers would represent income effects estimated at \$12.4 million in direct income, and \$20.2 million in total income (U.S. General Accounting Office, 2001)

5.3 Healthy Forests Initiative

For the purpose of this thesis, the original version of the Healthy Forest Restoration Act of 2003, as it was passed in the U.S. House of Representatives is the one that is going to be presented in the subsequent section. The different opinions from stakeholders at the different hearings hold at the U.S. Congress were based on the original version. However, the main modifications to the original proposal will be mentioned further on.

5.3.1 Background

In the 2002, more than 7.2 million acres burned, which represented twice the annual 10-year average. In addition to that, fires destroyed approximately 2,000 buildings, killed 21 firefighters, and forced thousands of people to leave their homes, due to the risk of fire (U.S. Department of Agriculture, 2003). In the 2002 the States of Colorado, Oregon, and Arizona, experienced the largest wildfires in their histories. (U.S. Senate, 2003). Additional arguments say that in the Western U.S., during the last century, forest fuels have been accumulated, and tree density has increased in some areas, from 100 trees per acre to 1000 trees per acre. (U.S. Senate, 2003)

The Forest Service argues in its June 2002 report, Process Predicament (cited by U.S. Senate, 2003) how regulations, statutes, and administrative factors affect forest management, and how the detailed processes requesting information and documentation, as well as appeals of forest

management plans. Lawsuits, and injunctions, have delayed the Forest Service plans to conduct forest restoration and fuel treatments.

Fires were also responsible of destroying a huge number of trees, and caused damage to soils and watersheds. In 1996, the 12000 acre Buffalo Creek Fire in Colorado damaged a portion of the watershed serving the city of Denver. The fire did not damage a big portion of the watershed, but many tons of sediments washed into the Reservoir, damaging the city water supply system, and costing million of dollars to repair. In a project focused on trying to reduce the risk of future damaging wildfires in this area, a project involving forest restoration, fuels treatments, and sale of commercial timber, was delayed due to administrative appeals, and in the 2002, more than 30% of the project area was burned (U.S. Congress 2003).

Most of the fires usually affect the West. However, according to the U.S. Senate, there are also pest and pathogen outbreaks that occur in other parts of the country. In Arkansas and Missouri, an outbreak of Red oak borer has infected 800,000 acres of both, federal and non-federal forest lands.

According to the Department of Agriculture, more than 190 million acres of public lands are at risk from extreme fire due to site conditions, accumulation of fuels, and complex regulatory processes.

5.3.2 Purpose

The purposes of this Act, includes: the reduction of risks of damage to communities, municipal water supplies, and federal lands from wildfire, authorize grant programs to improve the commercial value of forest biomass, to enhance efforts to protect watersheds and work on threats to forest and rangeland, to promote information gathering to address the impacts of insect infestation, improve the capacity to detect disease and insect infestations at early stages, benefit threatened and endangered species, improve biological diversity, and enhance carbon sequestration.

5.3.3 Short Summary

H.R. 1904, the Healthy Forests Restoration Act of 2003, is summarized in the next paragraphs:

- National Environmental Policy Act (NEPA) Categorical Exclusion. As it was shortly mentioned at the introduction of this thesis, under the National Environmental Policy Act, environmental impact statements, as well as environmental assessment processes are conducted for land management activities. By having exclusion procedures to allow priority fuel treatments such as thinning and planned burns, and forest restoration, including reseeding and planting, further individual analysis, lengthier documentation, or considering alternative projects would not be required.
- Forest Service Appeal Rule Amendment. The Healthy Forest Initiative is trying to create certain rules for projects appeals, when forest projects are challenged. The U.S. Government says that this would result in more timely project decisions and implementation, and would promote the public participation early in the projects.
- Department of Interior Appeal Rule Amendment. This rule would give highest priority to appeals involving fuels treatment projects and puts appeals on strict

schedule to provide a fast solution. The rule also changes rules in the appealing process, and allows appealing only to those involved during the public comment period of a project.

- Improve the Endangered Species Act. A rule soliciting public review and comment on an alternative consultation process under Section 7 of the Endangered Species Act for forest management projects, related to the National Fire Plan has been drafted. This would accelerate review and implementation of habitat management and ecosystem restoration projects, by, on the words of the U.S. Government, eliminating the need to conduct informal consultation on certain actions “not likely to adversely affect” any listed species or designated critical habitat.

The legislation also aims to safeguard watersheds and intends to address threats to forest and range land health, such as wildfire and insect infestation. In addition, the initiative has additional objectives, such as:

- Promoting the utilization of biomass that is removed as by product of forest restoration activities, including research, technology transfer, and rural economic development.
- Providing forestry assistance to state, private and tribal forest landowners to restore healthy watershed conditions.
- Facilitating research assessments on large scale treatments to reduce insect infestations and improve forest health.
- Promoting individual agreements with private landowners for the management of their forests to encourage the recovery of endangered and threatened species.
- Establishing a Public Land Corps, to provide youth employment and skill development in the implementation of forest restoration projects.
- Creating a program to provide scientific technology transfer, and grants, to assist rural, and resource-dependent communities to attract investment in small enterprises, and utilize forest by-products.
- Improving information about emerging forest health problems, invasive plant pests, and promote research on the management of hardwood forests in the southeast.

5.3.4 Relevant aspects of the Bill

The Bill is divided in eight different titles. However, for the purpose of this thesis only the most relevant aspects will be highlighted. Anyhow, on the previous sub-section, a general overview on the bill was included.

5.3.4.1 Title I: Hazardous fuels reduction on Federal Land

One of the most relevant parts on this title is the section corresponding to the definitions. In this part the term hazardous fuels is defined: “Hazardous fuels means vegetation (dead or alive) in the forest or rangeland ecosystem that is in excess of historic conditions or management goals, can cause wildfires”. (Healthy Forests Restoration Act of 2003).

The Sec. 102 allows for authorized hazardous fuels reduction projects on federal lands that: are located in proximity to communities; are close to municipal watersheds or water supplies; contain endangered or threatened species; or have been identified as areas where windthrow, blowdown, ice storm damage, or the existence of diseases or insect infestation can be a threat to forest or rangeland health.

Section 102 also establishes limits to the surface available for authorized hazardous fuels reduction projects to 20 million acres. However, hazardous fuels reduction projects cannot be conducted on lands belonging to the National Wilderness Preservation System, or federal lands where the removal of vegetation is prohibited or restricted, as well as in wilderness study areas. Regarding those limitations, it is important to say that at this time the land belonging to the National Forest System represents 191 million acres, from which, on the own words of the U.S. Government, more than 190 are at risk from extreme fire. (U.S. Department of Agriculture, 2003)

For most of fuel reduction projects, the Secretary of Agriculture is required to prepare environmental impact statements, as well as environmental assessment processes. However, as previously mentioned, this title establishes that for purposes of hazardous fuel reduction projects, alternative to those are not going to be a requirement. Anyway, public participation it is still a requirement, since the U.S. Forest Service is required to hold a meeting during the preparation stage of a fuel reduction project.

There is a section on this Title, which deals with the administrative review process. It establishes that as soon as the Act is enacted, the Secretary will develop an appropriate administrative review process, limiting the participation in the process to the persons that submitted their comments on the preparation stage of an authorized hazardous reduction project. It also establishes a time limit for filing a challenge to 15 days within the final agency action, limits the duration of a final agency action to 45 days. It also limits preliminary injunctions to 45 days, and admonishes a court in which action or an appeal is filed to provide a final determination within 100 days of when the complaint or appeal is filed.

Regarding actions to restore fire-adapted forest or rangeland ecosystems, it directs a court, to consider public interest in avoiding long-term harm to the ecosystem. It also proposes to give more weight to any agency finding than to arguments of the public, especially while the public is focusing on short-term harm to the ecosystem.

5.3.4.2 Title II: Biomass

This section contains some findings, which can be used to justify the proposals contained on this section. It is mentioned that 190 million acres of land managed is at risk of catastrophic fire in the near future, due to the accumulation of heavy forest infestation and disease. One of the findings says that high levels of tree mortality from insects and disease can increase fire risk, loss old growth forest, produce changes in species diversity, and decrease watershed conditions. In addition to the federal land, more than 70 million acres of private land are at risk to higher than normal mortality.

In addition, it is stated that preventive treatments such as removing fuel accumulation, hazardous trees, as well as restoring early successional habitat, and additional restoring treatments, can reduce the forest vulnerability to diseases and fire. It is recognized that preventive treatments can be more successful than suppression treatments, in the case of insects, disease, and fire.

The by products of preventive treatment, such as wood, brush, thinnings, etc. removed from forest represents a considerable supply of biomass for producing energy or other products, since it can be used as a raw material.

According to this initiative, it is suggested that the United States should promote economical and entrepreneurial opportunities in using by products removed through preventive treatment activities; and develop and expand markets for underused wood and biomass.

5.3.4.3 Title III: Watershed forestry assistance

It is a short title, which highlights the need for protection of watershed health within the field of forest management. It also allows the forest service to provide assistance to landowners, and allocates money to provide support.

5.3.4.4 Title IV: Insect infestations

Additional findings such as high levels of tree mortality due to insect infestation result in increased fire risk, and loss of old growth, threatened and endangered species, loss of species diversity, and decrease in timber value.

Specific figures are mentioned, which say that bark beetles destroy a enormous acreage of trees every year. Congress says that in the West, over 21 million acres are at high risk of bark beetle infestation, and in the South over 57 million across all land ownerships. In addition, the hemlock woolly adelgid is affecting streamside forests in the Mid Atlantic and the Appalachian region. It is also mentioned, that it is posing a threat to valuable commercial timber lands in Northern New England.

Other species such as the invasive emerald ash borer have become a threat to hardwood forests. According to Congress, this pest destroyed 692 million trees in forest of Michigan and Ohio.

In the South, epidemic populations of Southern pine beetle are raving forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. In 2001, in Florida and Kentucky, the increase experienced was 146% and 111% respectively.

Finally, according to the Forest Service, recent outbreaks of the red oak borer in Arkansas have been unprecedented, with almost 800,000 acres infested. It is mentioned that most of the damage from the red oak borer have had place in the National Forest, and that the response has been inadequate.

While talking about the authorized silvicultural methods to address the problem of insect infestation, the initiative explicitly mentions that stock reduction treatments done by tree removals, as well as the application of pheromones to attract insects can be conducted.

For areas of 1000 acres or less, the documentation required by NEPA would be excluded. In that way, the Secretary can conduct treatments without preparing statements showing the effects of the projects on the environment. However, some restrictions are established, which state that areas covered by the category exclusion that use similar treatment methods can not be located adjacently to another. In any case, not more than 250,000 acres can be categorically excluded under this section.

5.3.4.5 Title V: Healthy Forests Reserve Program

Establishes a program call Healthy Reserve Program, which is administrated by the Department of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce to restore degraded forestlands and to promote the recovery of endangered species. It creates different options of enrolment, from 10-year cost-share agreement to long term deals.

5.3.4.6 Title VI: Public lands corps

This program is to allow young people to gain work experience in carrying out rehabilitation, enhancement, and beautification projects. For the purpose of this thesis, more detailed information is not needed.

5.3.4.7 Title VII: Rural community forestry enterprise program

This program has as objective to revitalize rural forest-resource communities by promoting investment through incentives provided by governmental agencies. Additional details on the program are not considered relevant for the objectives of this thesis.

5.3.4.8 Title VIII: Miscellaneous Provisions

This title authorizes the Secretary of Agriculture to carry out a program to inventory, monitor, assess and identify forest stands on both the National Forest System and private lands. The chapter also establishes how this can be conducted, and mentions some governmental agencies that could help with that. The development of a early warning system for potential catastrophic environmental threats to U.S. Forests is also mentioned as an alternative to isolate and control outbreaks, or epidemics.

A relevant section refers to a program to reduce the proliferation of non-native invasive trees, shrubs, and vines that according to Congress are degrading America's Forests. It is mentioned that some non-native species are over running stream and river banks, and utilize water supplies essential for human beings and maintaining wildlife and fishery. Some of these invasive species are: kudzu, salt cedar, Russian olive, exotic vine, cogongrass, autumn olive, tallotree, Nepalese Browntop, Japanese Climbing Fern, and Tree of heaven. The section authorizes the Department of Agriculture to fund and carry projects focused to re-establish native species.

Finally the Act establishes includes a few sections that deal with the issue of research. It would increase the importance of the Semiarid Agroforestry Research Center, and the creation of the Upland Hardwood Research Center.

5.3.5 Legislative Status of the Healthy Forest Initiative⁷

The Healthy Forest Initiative was introduced by Representative Scott McInnis (R) on May 1, 2003. The bill was also supported by 137 co-sponsors. The bill was referred to different committees within the House of Representatives, such as the Committee of Agriculture, and the Committee of Resources, and the Committee on the Judiciary. All the committees reported the bill, and was placed on the Union Calendar to be discussed on the floor.

⁷ This section has been based on the information found on the Congressional Record of May 20, 2003, from the pages H4324 to H4287. U.S. Congress (2003)

On May 20, 2003 the bill was debated and voted at the Chamber. During the session, an amendment was proposed by Representative George Miller (D) of California. The amendment had the purpose of adding to the bill text of the Hazardous Fuel Reduction Act, which allows projects within an area of .5 miles of threatened communities to be excluded from the requirements of the National Environmental Policy Act, establishes guidelines on the production of documents for projects outside the .5 mile limit, establishes a process to identify areas in need of thinning, gives authority for Federal land managers to create cooperative agreements with local governments and communities to plan projects across public and private ownership boundaries; and require that 85 percent of funding be used for areas close to homes, communities, and watersheds. The purpose of those proposals was to prioritize fuel reduction plans to areas where communities and watersheds can be affected, reducing in that way the possibility of the Forest Service or the Bureau of Land Management to conduct operations with the objective of getting financial benefits.

The amendment was fully supported by the Democrats in the House, voting 172 for the amendment and only 25 against it. However, 214 Representatives from the Republican party voted against the amendment, and 11 voted for. The final result accounted 184 votes for the amendment, and 239 against it. For that reason, the amendment did not pass.

During the debate preceding the vote of the amendment, Congressman De Fazio (D) of California highlighted that amendments proposed by the Democrats had not been considered due to the lack of time. In addition it was commented that the Bill itself does not allocate the necessary money to conduct the necessary projects. De Fazio commented that just in the State of Oregon the estimated cost of conducting hazardous fuel reduction projects was \$1,685.00 dollars per acre. President Bush only requested \$230 million for fuel reduction projects this year, which would mean that, in the words of Representative De Fazio, that old trees would be cut to pay for those projects. It was also mentioned that on the 2002, a similar bill was discussed⁸ and was stopped by Environmental Groups. De Fazio mentioned the importance of that, since the action of stopping a bill can be used as an argument against Senators during the Election year.

After the unsuccessful amendment proposal of Representative Miller, Representative Thomas Udall (D) of New Mexico asked for a motion to recommit the Bill, with instructions to the Judiciary, since he was opposed to the way the bill was introduced. Udall expressed that the bill was introduced as a committee print, which meant that it was not introduced in the Committee of Resources. Actually, according to Representative Boehlert (R), it was a compromised negotiated with Mr. Goodlatte (R), Mr. Pombo (R), Mr. McGinnis (R), and Mr. Walden (R) with the White House that the vision of the bill is one of those that just comes and pass.

Mr. Udall said that apparently the bill did not want to be presented to the public, reason why it was introduced as a print. In addition, no previous legislative history on it was on record, and no hearings on the issue were hold. The main issue with the bill, is that it gives more weight to Federal Agencies at expense of the citizens.

In response to those statements Mr. Goodlatte defended his position, stating the importance of this legislation to protect the forest, and that by having a motion to recommit the bill, the process of conducting fuel reduction projects could be delayed for 2 or 3 years.

⁸ H.R. 5319 Healthy Forest Reform of 2002. The Bill was introduced on September 4, 2002 by Representative Scott McInnis, and was co-sponsored by 28 Representatives. The Bill was not even voted. However, Representative McInnis was the sponsor of the Healthy Restoration Act of 2003.

The motion was supported again by the majority of the Democrats in the House, accounting 175 votes. 24 Democrats and 226 Republicans voted against the initiative, reason why the motion did not pass.

Finally, a vote took place to choose passing the Bill. 214 Republicans and 42 Democrats supported the legislation, and 12 Republicans as well as 157 Democrats voted no. In total, the Bill passed 256 votes against 170, reason why it was submitted on May 21, 2003, to the Senate. The Senate voted a slightly different bill on Fall 2003. Then a Conference Committee with members of the House of Representatives and the Senate agreed on a bill, which was signed by President Bush on early December 2003, becoming public law.

5.3.6 Main issues related to the legislative process to pass the Healthy Forest Initiative

The purpose of this section is to include different opinions from stakeholders regarding the Healthy Forest Initiative, in order to gain a better understanding on the different factors involved while passing forest management legislation. The different points of view and arguments from distinct stakeholders were collected in face to face interviews, direct participation in hearings at the U.S. Senate, and by using additional research resources.

There are many players interested in Forestry issues and policy. Some of them are: the President of the United States, the U.S. Congress, the Western Governor's Association, the U.S. Department of Interior, the U.S. Department of Agriculture, which administers the Forest Service, the American Forest and Paper Association, Society of American Foresters, as well as many environmental groups. All of those stakeholders have different approaches, interests, and concerns. Indeed, it is important to take into account these differences while passing forest management legislation, since it can play a major role during the legislative process.

5.3.6.1 Federal Government

5.3.6.1.1 The White House and the Congress

On August 22, 2002, during a visit to Central Camp, Oregon, President George W. Bush announced the Healthy Forest Initiative. President Bush was accompanied by the Secretary of the Interior, the Governors of the State of Montana (R) and Arizona (D), Senators Gordon Smith (R), and John Wyden⁹ (D), from Oregon, Congressman Greg Walden from Oregon (R), Nolan Colegrove, President of the Intertribal Timber Council, among others.

The reasons of President Bush visit were to express his condolences for the death of a group of firefighters that lost their lives trying to mitigate forest fires, and to introduce a bipartisan initiative to protect the forests, which was called the Healthy Forest Initiative. During his speech the President highlighted the point that having a good forest policy would help have a better economy. Mr. Bush slightly described his position in forest management. He was for clearing brushes and thinning, in order to have healthy forests from disease and fire. The President also expressed that there are many regulations, bureaucracy, and endless litigation that makes common sense forest policy difficult to apply. Another relevant statement was

⁹ Ranking Member of the Subcommittee on Public Lands and Forests at the U.S. Senate

when he expressed his support to the Northwest Forest Plan¹⁰, mentioning that it was a good plan to protect wildlife habitat and recreational areas, but at the same time allow the production of a billion board feet per year. However, due to current laws, President Bush talked about the need to pass the laws necessary to implement the plan, and have sustainable timber harvesting (Bush, 2002).

Almost a nine months after announcing the Healthy Forest Initiative, President Bush urged Congress to Act on Healthy Forests. This time Judy Martz, Governor of Montana, and Chairwoman of the Western Governors Association; the Secretaries of the Interior Department, and the Department of Agriculture, as well as the Chairman of the Forest Service accompanied the President. Also some members of Congress were present: Senator Pete Domenici¹¹ (R) from New Mexico, Gordon Smith¹² (R) from Oregon, Larry Craig (R) and Michael Crapo¹³ (R) from Idaho. In addition, Richard Pombo (R)¹⁴ from California, Bob Goodlatte¹⁵ (R) from Virginia, Scott McInnis¹⁶ (R) from Colorado, Greg Walden (R) of Oregon, Sherry Boehlert¹⁷ (R) of New York, Wayne Gilchrest¹⁸ (R) of Maryland, Charles Taylor (R) of North Carolina, Rick Renzi (R) of Arizona, Mike Ross (D) of Arkansas.

During his speech Mr. Bush said that problems on public lands also affect private lands. Highlighted the figures of 2002, where 23 firefighters died while battling forests, that 7 million acres were affected, and that this amount accounted more than the double in the last ten years. 815 homes were destroyed, and fires burned in 15 states, which cost 1.6 billion in fire suppression. In addition, the President also expressed his concern that since 1989, in the States of Oregon, Washington, Idaho, Montana, and California, 47000 timber jobs, and also four hundred mills closed in those states. Bush (2003)

Mr. Bush stressed the argument that sound science shows that we can prevent fires with controlled fire, cleaning underbrush, and thinning vulnerable areas to fires and insect infestation. He also affirmed that this was “the consensus of scientists, wildlife biologists, forestry professionals and firefighters”. Bush (2003)

Finally, he provided an example of a private land owner in Arkansas, that conducted thinning in his 40 acre forest. In addition to the benefit of solving the problem of insect infestation, the owner made a profit of \$15,000 dollars from the sale of the cleared residuals. Bush (2003)

¹⁰ A plan that weighted cutting and fragmentation of old growth forests. The plan allowed a production of a billion board feet of timber per year. However, due to the employment of a “use and manage approach”, many planned timber sales were suspended when it was found that species could be affected with the cutting. It was also the case by establishing Late Successional Reserves, which aimed to protect old growth forest. Because of management restrictions, declining projected sales to only 308 million board feet of timber in the year 2001. Thomas (2003).

¹¹ Chairman on the U.S. Senate Committee of Energy and Natural Resources

¹² Chairman on the Competition, Foreign Commerce, and Infrastructure Subcommittee at the U.S. Senate

¹³ Chairman on the Subcommittee on Fisheries, Wildlife, and Water

¹⁴ Chairman on the Resource Committee at the U.S. House of Representatives

¹⁵ Chairman on the Agriculture Committee at the U.S. House of Representatives

¹⁶ Chairman on the Sub Committee on Forests and Forest Health at the U.S. House of Representatives

¹⁷ Chairman on the Committee of Science at the U.S. House of Representatives

¹⁸ Chairman of the House Subcommittee on Fisheries Conservation, Wildlife and Oceans

Additional information regarding the process of passing the Bill in the House of Representatives can be found under the Section: Legislative Status of the Healthy Forest Initiative.

5.3.6.1.2 *Department of Agriculture and Department of the Interior*

General information from the U.S. Department of Agriculture such as press releases, reports, and papers has been used as reference for this thesis. In this part statements made during a hearing before the U.S. Senate are going to be mentioned. However, information already mentioned in other parts of the thesis is not going to be included again.

On July 22, 2002, a hearing to comment three different forest health bills¹⁹ was held at the U.S. Senate. On that hearing, Mark Rey, the Under Secretary of Natural Resources and Environment, from the United States Department of Agriculture; and Rebecca Watson, Assistant Secretary from the Land and Minerals Management from the Department of the Interior made a joint statement before the Senate.

On the statement, both Secretaries expressed their support to H.R. 1904. However, they opposed to S. 1314 and S. 1552 because on their opinion, the purpose of those bills was narrow, and none of them has a comprehensive approach to forest health and hazardous fuels reduction as it is mentioned in H.R. 1904. Some of the aspects why S. 1314 and S. 1552 are not supported by the administration are commented:

First they impose restrictions that could impede implementation of hazardous fuels reduction projects. The limit funding for those projects, and they reduce the treatments to certain areas. According to the Secretaries, Federal land managers need the flexibility to conduct hazardous fuel reduction treatments in areas identified by application of good science and land management experience.

In addition, S. 1352 addresses only forest lands, but no other woodlands and lands managed by the Forest Service or the Bureau of Land Management. Regarding public participation, it allows petitioners to seek protective designation for large trees or old growth, which on the Administration point of view can create controversy on a “tree-by-tree basis”. They “want to focus on hazardous fuel reduction projects based on science not individual trees”. Rey and Watson (2003). Finally, this Act authorizes biomass utilization projects, but limits entitlement to facilities located within the limits of eligible communities, which is not supported by the Administration.

While talking about S. 1314 limitations on implementation of stewardship initiatives are imposed, which is a priority for the Administration. This Act would also prohibit the Secretary of Agriculture to implement the Administration’s Competitive Sourcing Initiative²⁰. The Department of the Interior and other related agencies recommended the President veto if the final version of the Act contained this restriction.

The secretaries attributed insect infestation outbreaks patterns to changes in tree stand density, as well as in species composition and structure, due to decades of excluding or immediately suppressing fire, a lack of active management, and drought.

¹⁹ S. 1314, S. 1352, and H.R. 1904 also known as the Healthy Forest Restoration Act of 2003.

²⁰ An initiative to encourage competition between the Private and the Public Sector to perform certain projects. Executive Office of the President, Office of Management and Budget (2003),

In the testimony it is also recognized that President Bush directed Federal agencies to develop administrative and legislative tools to restore deteriorated Federal lands to better conditions. It was also recognized that in the recent Consolidated Appropriations Resolution, 2003 stewardship authority was conferred to the U.S. Department of Interior, Bureau of Land Management, and the U.S. Department of Agriculture Forest Service. By this authority both Agencies would be able to sign long term contracts with the private sector, non-profit organizations, local communities, and other entities, in order to achieve land management goals. Even though this is an important tool for both agencies, the administration believes that the additional tools provided in H.R. 1904 are still necessary to address forest problems.

5.3.6.2 Regional Government

From the announcement of the Healthy Forest Initiative by President Bush in the 2002, the Western Governors Association²¹ has played an important role in supporting this legislative proposal. In fact, the Governors of the State of Montana, New Mexico, Arizona, and Idaho, submitted a testimony before the Senate Committee on Energy and Natural Resources to support express their support to the Healthy Forest Initiative. The information contained in this section has been obtained from that testimony.

One of the expressed reasons why the Governors Association is involved, is because of its interest to encourage the Secretaries to work together in fire prevention and protection in areas of risk, basically by developing a National ten year strategy with the States as partners in the planning, decision making and implementation of the plan, making key decisions at local levels.

While commenting on the forest bills that are under review at the Senate, the position of the Association was that they would only codify some elements of the strategy, especially because according to them, the bills facilitate early involvement and collaboration among Agencies and concerned persons. The Association says that Federal land managers, in coordination with State Foresters, tribes, local officials, and stakeholders should have the possibility of identifying areas in need of treatment, working together with landowners, to conduct the projects in the needed scale.

Regarding the appealing process contained in the legislation, it was mentioned that changes in law were necessary to recognize that an effective use of the collaborative process can help eliminate or reduce litigation, and conduct instead fuel treatments on lands at risk. The association also said that courts could use sound science to consider long-term effects of inaction while waiting for accomplishing hazardous fuel reduction activities. In addition, they also supported the idea of having stewardship projects and work in partnership with federal authorities to implement them.

One of the proposals made by the Association of Western Governors was to develop a risk assessment process for communities, where factors such as Fire Occurrence, Hazard, Values Protected, and Protection Capabilities are taken into account. By considering this, in the opinion of the Association, it is possible to assess the level of relative risk that communities face from wildland fire, and prioritize and schedule effective fuel reduction projects (Western Governors Association, 2003)

²¹ An independent, non partisan organization of Governors from 18 Western States and three U.S.-Flag Islands in the Pacific.

It the rest of the testimony differences with the text contained in the bills were not found. Actually, it was observed a clear consistency with what is proposed by the legislation, and the interests of the Association.

5.3.6.3 Non Governmental Organizations

In this section different positions from recognized NGOs on the Healthy Forest Initiative will be included.

5.3.6.3.1 Forest Trust

On July 22, 2003 Laura McCarthy, from Forest Trust, presented a testimony before the Senate Committee on Energy and Natural Resources Regarding Forest Health, Fuel Reduction, Insects, Fire and S. 1314, S.1352, and H.R. 1904.

While talking about Research on Fuel Reduction, McCarthy (2003) mentioned that after conducting research for a four year period, and examining over 250 research papers, was found that research was inconclusive respect to the effectiveness of mechanical thinning in changing wildfire behavior. Studies and methods varied greatly. Moreover, the effectiveness of prescribed burning in changing post treatment wildfire behavior was also demonstrated in many studies. Because of differences in the results on studies on the effectiveness of thinning and prescribed fire, it was concluded that more research is needed before being able to arise conclusions.

It is recommended to increase investments for basic and applied research to provide a credible and scientific basis to additional treatment methods. Regarding the fuel reduction treatments contained on S.1314, S.1352, and H.R..1904, there is not evidence that thinning itself is going to solve the problem of fire risk. However, according to McCarthy, it is a good opportunity to test its effectiveness, and use it with alternative methods.

On the relationship between insect caused mortality and fires, it was mentioned that there are some studies that do not support the notion that insect caused mortality increases fire. It is also highlighted that wildfires should be understood, since fire risk can vary depending on the age of the tree species, and also on the kind of insect involved. Sometimes it could be possible that Suggestions to considerate those aspects while managing forest were given. As consequence, the categorical exclusions included in the proposed legislation could result in an increase of insect attacks.

Additional comments included that the provisions related to stimulate local development by creating markets for bi products, which remove barriers for the forest industry to access wood, would not necessarily benefit disadvantaged or forest dependent communities. It also expressed that the majority of fuel reduction funding should be focused on community protection, and the reminder to restore wildland forest. In addition, according to McCarthy, it is necessary to include provisions that address the problem of thinning after the initial fuel reduction treatment, based on the premises that lands can return to its original condition if they do not have maintenance treatments.

5.3.6.3.2 Grand Canyon Trust

On July 22, 2003 Tom Robinson, from Grand Canyon Trust, gave a testimony before the Senate Committee on Energy and Natural Resources. The purpose of it was to comment on the Healthy Forest Restoration Act of 2003 (H.R.1904), proposed at the House of

Representatives, and on other forest management bills proposed at the Senate (S.1314, and S.1352).

Robinson (2003) opposes to the proposal of waiving the requirements established under the National Environment Policy Act (NEPA) before conducting fuel reduction projects, based on the Administration's argument that detailed environmental and public reviews are slowing fuel reduction projects. However, Robinson mentions that in the area of Flagstaff, the Greater Flagstaff Forests Partnerships and Coconino National Forest there are about 14,000 acres of land ready to thin and burn, which have been cleared under NEPA since the last 2 years. As of June 2003, only 1800 acres have been implemented. NEPA approved acres exceed acres treated by 12,200 acres. It indicates that in this region, the provisions included in the Healthy Forest Restoration Act are not really needed. Probably additional projects with objectives other than fuel reduction try to be conducted, which would not be authorized under NEPA. By having a categorical exclusion, NEPA restrictions could be avoided for certain projects, even if their main objective is not to address the issue of fuel buildups.

However, while referring to improving the NEPA planning process, Robinson (2003) mentions that there are other factors, which influence that process. For example, there are delayed and fragmented analyses due to personnel transfers or re-assignments within the Forest Service, as well as inadequate staffing levels, or lack of relevant expertise utilized during the planning process.

Regarding the proposals of the Healthy Forest Restoration Act to modify the current administrative appeal procedures, Robinson (2003) does not find justifiable reasons to do so. He states that the only motive why administrative appeals delayed fuel reduction projects in Southern Colorado, is because the reasons of the Forest Service's NEPA decision unlawful. It is a good mechanism to resolve dispute before going to Court.

Robinson (2003) provided data from the General Accounting Office, which shows that in the 2001 and 2002 Fiscal years only 24% of fuel reduction projects were appealed, and from those appeals, the 79% was processed within 90 days. Anyway, just 3% of fuel reduction projects were litigated, and 43% of them were still in court at the time of the survey. In total, 95% of all projects reviewed were ready for implementation within the 90-day review period. In addition, the allocated budget for those fire suppression projects is not enough to implement in all the areas where is needed. The Arizona's Governor's Office estimated that the required fuel reduction treatments in the State of Arizona would cost \$230 million dollars. Considering that there is not money enough to conduct fuel reduction projects in the entire area, Robinson suggests that fire reduction programs should be prioritized, especially in communities at risk. Some strategies to prioritize those programs, are: to reduce home-structure ignitability, focus on fuel treatments for wildland urban interfaces, provide direct funding for hazardous fuels treatments, and follow the strategy suggested by the Western Governor's Association, which was previously commented in this section.

Finally, Robinson expressed his position on ecological restoration, stressing that this also involves policy, funding, implementation, monitoring, and long-term management issues. The true restoration of frequent fire adapted forests would also have to consider the reasons why the ecosystem declined, which include the removal of larger and older trees, overgrazing, and fire suppression 'everywhere'.

5.3.6.3.3 Communities for a Great Northwest

On July 22, 2003 Bruce Vincent gave a testimony on Forest Health at the U.S. Senate. His position was to support the Healthy Forest Initiative.

It is argued that through groups (e.g. consensus, collaborative, National Forest Congress, and Sustainable Community) Communities for a Great Northwest has learned to find local resolution on forest health management issues, but because of environmental litigations, it has not been possible to implement the resolution plans.

Vincent (2003) referred to the 1999 GAO Report, which stated that the single biggest environmental threat facing the interior west's forest, was the loss of forest, habitats and watersheds due to catastrophic fires.

In the National Forest of Montana, the US Forest Service estimated a growth of 492 million board feet of timber per year, and a mortality around 300 million board feet of timber per year. However, human management removal averages only 60 million board feet, reason why fuel build-ups in the forest have increased.

It was also highlighted that the fact that the Healthy Forest Initiative does not only focus on the wildland urban interface to conduct treatment projects is very convenient, since watersheds, wildlife habitat, and recreational areas are not always located within that kind of areas. Besides, fires do not always start near urban areas (Vincent, 2003).

5.3.6.3.4 National Resources Defense Council (NRDC)

On a paper published by NRDC on May, 2003, which comments on the Healthy Forest Initiative, states that the previous initiative "promotes hasty, aggressive and ill-considered logging of Western forests in the name of fire prevention". It is even said that passing that law would be a benefit the timber industry, would reduce liability for federal agencies, and would a result in a loss in the issue of public forest lands.

NRDC (2003) states that bill's supporters tried to take advantage of the issue of forest fires to cancel essential protection in the forest, as well as a public appeal rights. The bill also interferes with federal courts by ordering federal officials to report judges to Congress if they opt for protecting forests from logging for a period longer than 45 days while challenges to those projects are being decided.

It is also stated that the Healthy Forest Initiative tries to waive laws like the National Environmental Policy Act (NEPA), which protects lands in need of protection. NEPA was conceived to resolve controversy and balance competing public needs by increasing public input and allowing access to relevant scientific data about unsafe and doubtful government activities.

5.3.6.3.5 Sierra Club

The Sierra Club opinion about the Healthy Forest Initiative is that is based on the false assumption that logging will decrease forest fires. According to them that premise is not supported by the scientific community, which has found that logging could increase fires. It is also said that the true goal of the Healthy Forest Initiative is to apart the public from the decision making process on federal lands management, and to give timber companies free access to the National Forests (Sierra Club, 2003).

Two main effects of the Healthy Forest Initiative are highlighted by the Sierra Club: The first effect will be to limit environmental analysis for any site project, alleging that it is a fuel reduction project. Secondly, aggressive thinning would be accelerated across millions of acres of forests, areas that in most cases will be located far away from communities at risk of forest fires. Finally, a goods for services approach would have place as funding mechanism, allowing Federal Agencies to give away trees to logging companies as payment for managing lands. This would create an incentive to log trees with high commercial values, old growth, and fire resistant trees (ibid).

5.3.6.3.6 Wilderness Society

On a Statement made by William Meadows, President of the Wilderness Society on August 21, 2003 regarding Bush's wildfire plan, it is said this plan is based on a wrong belief that by cutting trees it is possible to have a fireproof forest. In addition, the plan does not focus on protecting homes and lives. It is also said that the Administration ignored local leaders, and the recommendation from the Western Governors Association, as well as avoiding recommendations from experts regarding this policy, which promotes logging in regions where there are not homes and towns. Congress and the President should act to support a plan that prioritizes communities and safety for firefighters.

5.3.6.4 Industry

5.3.6.4.1 American Forest and Paper Association (AF&PA)

On April 18, 2003, John Heissenbuttel, Vice President of the Forest and Wood Products Division of the American Forest and Paper Association gave a Testimony before the Senate Appropriations Subcommittee on Interior and Related Agencies. On his statement he states that the AF&PA supports sustainable forest management in all forest lands, as well as principles such as active management, long term forest health, and local level decision making.

Heissenbuttel highlighted the importance for Congress to address a national forest health crisis by supporting hazardous fuels reduction, forest health management, and forest health research initiatives. Approval to priority research projects, including forest products utilization, and process; biobased products and bioenergy; production industrial gasification, among others, was also stated.

For the purpose of this thesis, it is convenient to highlight the aspects related to Forest Health Management, State Fire Assistance, Community and Private Land Fire Assistance, and Active Forest Management.

Regarding Forest Health Management the AF&PA supported the request of \$82,019 million from President Bush to Congress, however, it recommended to allocate almost a 55% for Federal lands and the rest for Cooperative lands. While talking about State Fire Assistance and Community and Private Land Fires Assistance the AF&PA recommended Congress to allocate money to provide States and communities with financial, technical, and strategic assistance to reduce hazardous fuels and be able to implement fire protection activities. At the same, landowners and communities would be supported in preventing, preparing for, and responding to wildfire threats in the wildland-urban interface.

Concerning active forest management, the AF&PA stated the importance of legislative mandates promoting forest health and providing a stable supply of fiber for society, which would have to be fulfilled by the Agency [Forest Service]. In order to achieve this, the

AF&PA is interested in an increase to the total volume of timber sold (to 3.0 BFF) as well as funding of \$404 million to support this program. Special attention to salvage sales, which are part of the timber program and mean timber resulted of treatments from insect outbreaks, fires, blow down, and natural disasters was made, asking the for an increase in the fund in order to take advantage of salvage sales.

5.3.6.5 Additional stakeholders

5.3.6.5.1 Ecological Restoration Institute, Northern Arizona University

On July 22, 2003, Wallace Covington testified before the U.S. Senate at a hearing on Forest Health Problems in the National Forests. On his testimony, Covington supported the Healthy Forest Initiative, but also stated that it was necessary to move forward with large scale restoration-based fuel treatments in order to address the problem of catastrophic fires. Wallace said that those treatments should not only be focused on thinning trees, but to mitigate catastrophic fire and wildlife threat.

Wallace (2003) mentioned that it is estimated that average annual losses over the next two decades will exceed between 5-10 million acres per year. For that reason, it is suggested that the acreage that should be treated between 5-10 million per year.

Wallace (2003) advocates for the use of treatments based on best available information, also called active proactive management. The best way to conduct treatment design and implementation is: by applying treatments based on “comprehensive awareness of solid science (not ideologically driven, selective citation of existing knowledge)” Wallace (2003); conducting experiments to test ideas; monitoring to determine treatment effectiveness; objective analysis of the results from a scientific perspective; and making available the results of the conducted research to the public, and third parties.

It was expressed that science-based forest restoration treatments are consistent with natural tendencies, and go further than only thinning trees, in order to improve forest health and reduce fire risk (Wallace, 2003).

There is a need to recognize that restoration treatments are going to differ through the Nation, and should be based on historic land conditions. For example, regarding the ponderosa pine forest, it was said that real diversity is in grasses and shrubs, which need light and fire to survive (ibid).

Finally, from an economic perspective, Wallace (2003) mentioned that according to a preliminary economic study made by the School of Forestry at Northern Arizona University, evaluating the cost of forest restoration versus the cost of not acting, and it was found that it is adequate to spend up to \$505 dollars per acre to restore forest to prevent catastrophic fires, and prevent fire suppression costs. This would also avoid rehabilitation and losing timber value in the future. It was estimated that the cost of treat forests in the Intermountain West region could cost \$6 billion dollars, but while comparing the costs of fire suppression of \$1 billion per year, and the Federal budget exceeding two trillion dollars, it is viable to invest on fire prevention projects.

6. Analysis.

In this chapter, different actors' influence on forest management in the United States is analyzed, as well as the strategies and success used by them to shape forest policy.

6.1 Framework

Based on the Pacific Northwest case, and stakeholder theory (Van Rooy, 1997; Michaelsen et al, 2000; Rantala and Primmer, 2003; Wellstead et al, 2002; and Cardskadder and Luben, 1998) different qualitative criteria to measure success to influence forest management have been selected, based on their relevance for achieving the objective of this thesis, as well as on their suitability to be supported by the interviews.

The success criteria to influence forest management legislation are mentioned below:

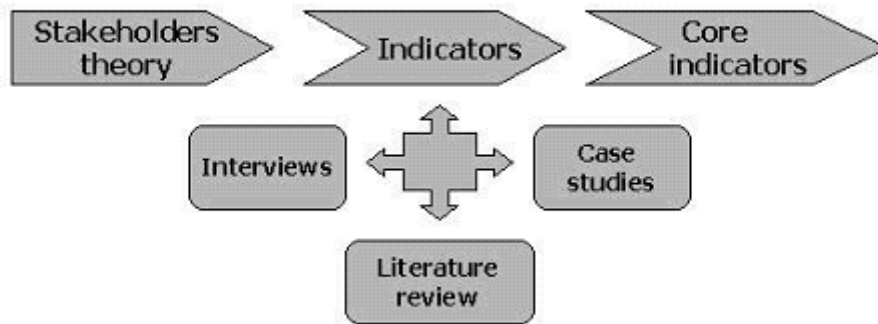
1. Is the issue on the political agenda?
2. Is high public interest on the issues addressed by the initiative?
3. Are environmental and social aspects at the expense of economic aspects?
4. Are the supporters of the initiative taking part in all decision making processes and or advising the Government in aspects related to their areas of expertise?
5. Is the legislative initiative prepared in multi-stakeholder processes?
6. Do the supporters of the legislative initiative have access to decision makers?
7. Is any competition among the supporters of the initiative (if any environmental group) and other environmental groups in range or prestige?
8. Are relations with regulators and environmental groups satisfactory?

The previous criteria require textual response in order to provide a clear view on the influence of an NGO in forest management legislation, as well as its success in influencing the current legal framework. Qualitative measures are appropriate when complex economic or social system are involved, which does not allow to obtain quantitative data to evaluate economic, environmental, or social conditions (Global Reporting Initiative, 2002).

Through this chapter, the different criteria will be individually commented, in order to provide the reader with the necessary information to answer the main research question of this thesis.

In the following scheme, there is a graphical chart that describes in a simplified way how the analysis is going to be conducted:

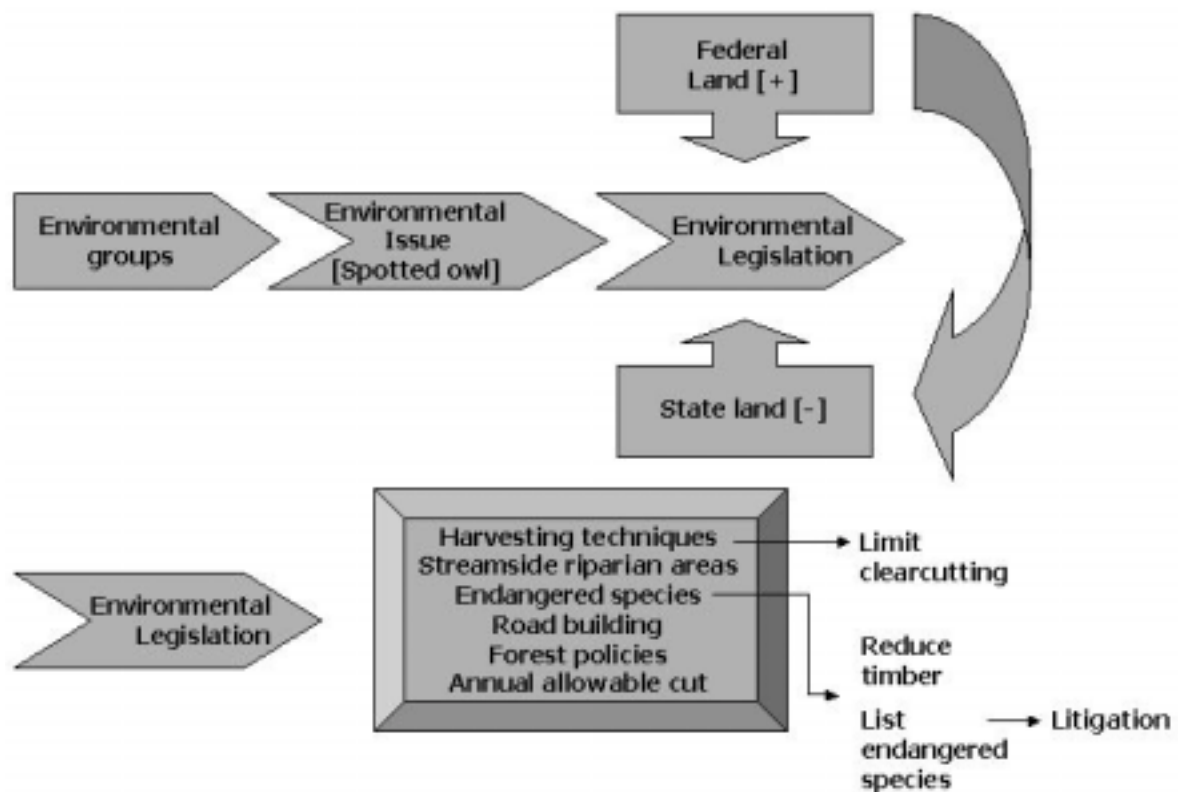
Figure 4: How was the analysis performed?



6.2 Conclusions on patterns from the Literature case study

Based on the case on the Pacific Northwest, it can be said that environmental groups, by having an environmental issue, which in this case was the possible extinction of the spotted owl, it was likely to influence environmental legislation. The groups focused on federal lands rather than in state lands, however, by changing environmental legislation at the Federal level they were also affecting the State level. The environmental legislation had effect on harvesting techniques, streamside riparian areas, endangered species listing, road building, forest policies, and the volume of annual allowable cut of timber. This, as consequence, limited clearcutting, reduced timber harvesting, increased the number of listed endangered species, as well as litigation. This is graphically represented in the next model:

Figure 5: The Spotted Owl and its influence in Forest Policy



6.3 Discussion

6.3.1 Is the issue on the political agenda?

Van Rooy (1997) states that NGOs have more influence on low policy issues. At the same time, it is also mentioned that if an issue is not in the political agenda, then it is not possible to change governmental policy (ibid). Those arguments, are fully supported by the conducted interviews, as well as in the hearings hold at the U.S. Congress.

All the interviewees, agreed that the most important problems in the U.S. Forest are insect infestation, and fires, accompanied with illegal logging. The first two problems are addressed by the Healthy Forest Initiative by allowing the Forest Service to conduct certain treatments without the need of preparing special impact assessments, which are required under the National Environmental Protection Act. The Healthy Forest Initiative is also restricting challenges on forest management projects by the public, creating specific conditions such as early participation in commenting on the project in order to be able to challenge the project via administrative or judicial resources.

Even when environmental issues such as the extinction of the spotted owl were responsible for most of the forest management legislation in the U.S., as well as for the decrease of the timber harvested from U.S. National Forests, the creation of the Pacific Northwest Plan, or the roadless rule; all interviewees considered that Old growth forest is not a priority at this time, because of the existence of different laws addressing that problem. Further on, there is not an interest, at least on the view of the interviews, in creating new legislation to implement specific forest management techniques on Federal lands, such as selection management and uneven management techniques. All the interviewees agreed that a specific forest management technique should not be established to manage Federal lands, considering that there are many differences in the kinds of forest throughout the United States, and while this method can be good in some areas, it cannot be appropriate in others. This suggests that from this perspective, the Act to Save America's Forests is not directly addressing current forest problems, and includes issues that are not that relevant at this time, or in other words, are not present in the current political agenda. Indirectly, the Act to Save America's Forests addresses the problems of fires and insect infestation from the perspective that it promotes biodiversity. By not having monocultures the possibility of insect infestation and fires decreases, but in the short term does not constitute a viable solution to the current problem. At the same time the Act to Save America's Forests does not allow certain treatments such as thinning, which are widely accepted by Federal Agencies, Foresters, and the Timber Industry.

It is important to mention that even when an issue is not currently in the political agenda, it does not mean that is irrelevant. As it is going to be mentioned in the next factor, public interest can situate an issue on the political agenda. It can also be possible that by direct intervention, strategies such as lobbying, allow to achieve the objective of situate an issue in the political agenda.

Regarding lobbying at the legislative branch, NGOs usually utilize two indicators to estimate the possibility of success of a certain legislative proposal:

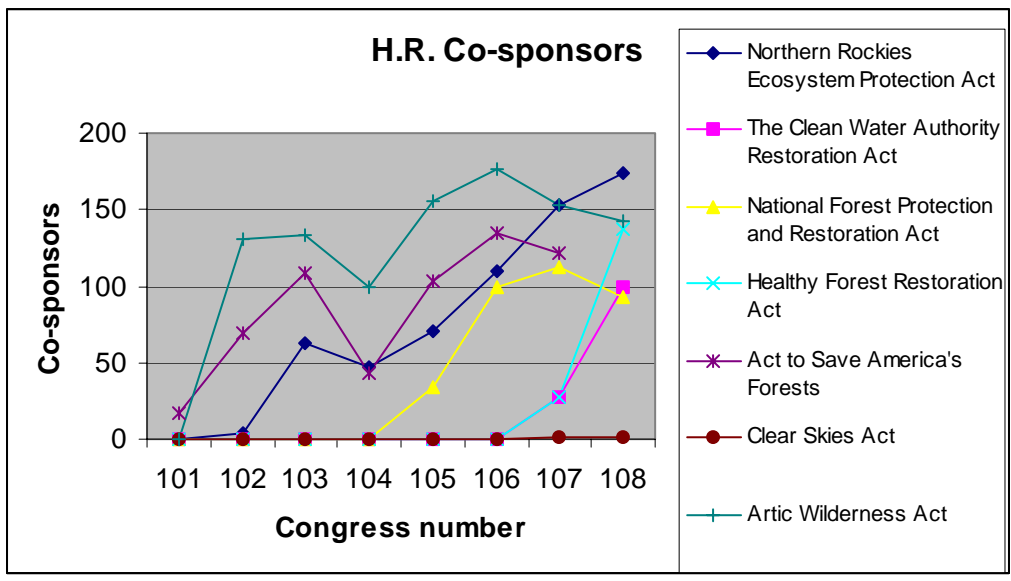
1. Relevance of the number of co-sponsors in passing an Act.

2. Relevance of the sponsor’s political affiliation when his/her party is the majority in the same chamber (House of Representatives or Senate).

6.3.1.1 Relevance of the number of co-sponsors in passing an Act

During the period that the author of this thesis was working for the organization Save America’s Forests, it was observed that one of the priorities for this organization was to gain as many co-sponsors as possible in Congress, in order to increase the possibility that a legislative initiative be passed. By increasing the number of co-sponsors an NGO is enhancing its presence in Congress, and can bring to the attention of the legislators issues such as stronger protection for Old Growth Forests, or the implementation of uneven forest management techniques to manage Federal lands. As consequence this would directly place the issue in the political agenda, and would be given serious consideration to become law. However, by considering distinct initiatives, it can be concluded that the number of co-sponsors supporting a certain initiative does not mean that an initiative will have a higher possibility to be passed. In order to support this finding, a number of Acts dealing with Environmental and Forestry issues were selected. The number of co-sponsors was tracked from the first time the bill was introduced in Congress at both, the House of Representatives and the Senate. All the information was put into two charts.

Figure 6: Number of co-sponsors of different legislative initiatives at the U.S. House of Representatives.

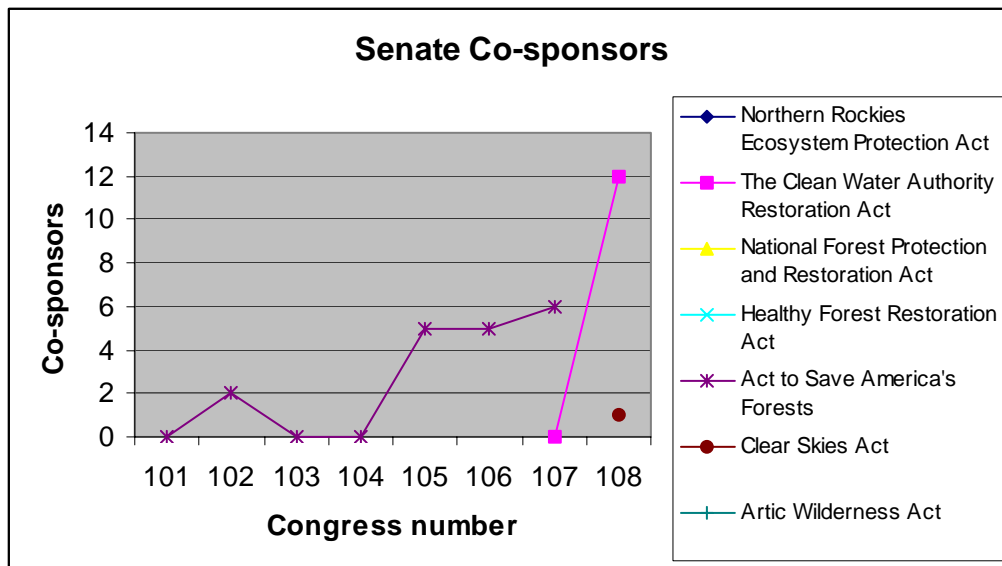


This chart includes several initiatives, which have been supported by different Actors. Basically the Northern Rockies Initiative was supported by Greenpeace; The National Forest Protection and Restoration Act by the Sierra Club; The Healthy Forest Restoration Act by the timber industry, State and Federal Governments; the Artic Wilderness Act, by the Organization Defenders of Wildlife; and the Clean Water Authority Restoration Act by the Audubon Society. In addition, the Act to Save America’s Forests, supported by Save America’s Forests is also considered.

What it is relevant in this chart, is the pattern of the Healthy Forest Restoration Act, which has been

Passed at both, the Senate and the House of Representative. The bill did not have as many sponsors as other initiatives, such as the Artic Wilderness Act, and the Northern Rockies Ecosystem Protection Act for example. This suggests that the number of co-sponsors does not represent a higher possibility that an initiative is going to be passed. However, a high number of sponsors obviously constitute an advantage over other initiatives, considering that if the bill does not have political support, it will not given priority on the legislative agenda. Nevertheless, there are some exceptions. For example, even when most of the bills of the previous chart have been consecutively introduced at least for a few years, they have not been seriously considered in Congress. This is not the case of the Healthy Forest Restoration Act or the Clear Skies Act, both supported by President Bush. The Healthy Forest Restoration Act was introduced for the first time at the 107th Congress, and the bill was slightly different to the bill introduced at the 108th Congress. However, Presidential support of this initiative was one of the reasons why it was given priority, and passed in almost six months. Regarding the Clear Skies Act, even when it only has one sponsor in the House of the Representatives, and one in the Senate, hearings on this have been conducted, which is completely unusual for an initiative introduced without the support of the President.

Figure 7: Number of co-sponsors of different legislative initiatives at the U.S. Senate.



While looking at the chart on co-sponsors at the Senate, it can be observed that not many initiatives are tried to be passed by introducing them at the Senate. Basically from the selected cases, only the Act to Save Americas Forests, The Clean Water Authority Restoration Act, and the Clear Skies Act have been introduced at the Senate, which increases the possibility of placing the issue in the political agenda, considering that both Senators and Representatives would be involved with the proposal. In any case, this does not constitute any strong possibility that an Act introduced at both, the Senate and the House of Representatives is going to be passed in a easier way, since the Healthy Forest Initiative was never introduced at Congress, and was passed, and the Act to Save America’s Forests and its precursor, were introduced at Senate since the 101st Congress, and have never been given strong consideration.

6.3.1.2 Relevance of the sponsor’s political affiliation when his/her party is the majority in the same chamber (House of Representatives or Senate)

Another aspect found while working at Save America’s Forests, was that there is a strong belief that if the political party of the bill sponsor is the majority in Congress, then the legislative initiative has a higher chance to be strongly considered. However, by considering the different occasions when the bill were introduced, and the political party constituting majority, differences on how the initiative was handled were not observed. In the following charts, the distribution by party of the seats at both the House of Representatives and the Senate is presented.

Figure 8: Historical control of the U.S. House of Representatives by the different parties

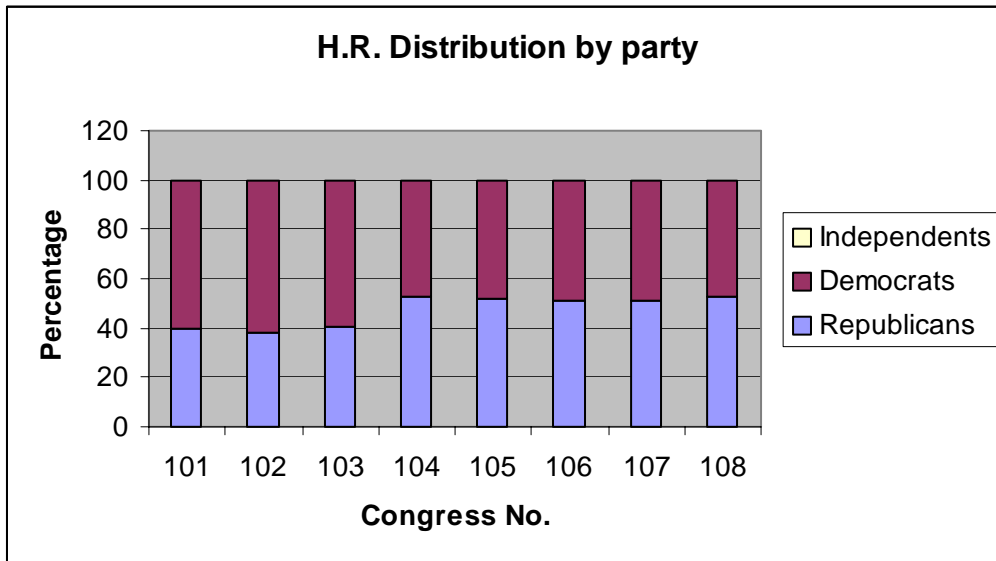
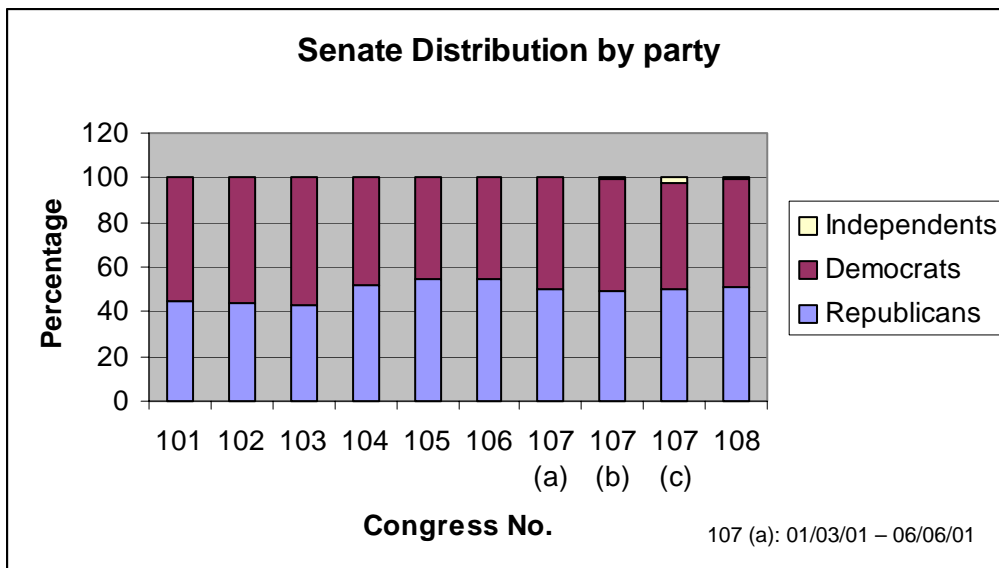


Figure 9: Historical control of the U.S. Senate by the different parties



After having those charts, now it is possible to comment further on the different initiatives introduced at Congress. From the 101st to 103rd Congress, the House of Representatives was controlled by the Democrats. At that time, the Northern Rockies Ecosystem Protection Act,

the Act to Save America's Forests, and the Artic Wilderness Act, all sponsored by Democratic Representatives were not passed. Good developments were made during the 103rd Congress regarding the Act to Save America's Forests, where an amendment to limit clearcutting in the State of Montana was voted but not passed. From the 104th Congress to present, the House of Representatives has been in control of the Republicans. From that time, initiatives such as the Northern Rockies Ecosystem Protection Act, the National Forest Protection and Restoration Act, and the Clear Skies Act have not passed, even when Republicans sponsored them. From the group of selected Acts, the only one sponsored by a Republican member that has been passed is the Healthy Forest Restoration Act. However, it can be said that the fact that Congress was led by the Republican party does not constitute the main reason of that. Other aspects have to be considered, such as the support from the industry, the President, State Governors, and the attention of the Media and the general public because of the presence of devastating fires.

Regarding the bills introduced at the Senate, it can also be concluded that if a member of the majority party sponsors an Act, does not mean that the Act will have a significant chance to be passed. For example, regarding the Act to Save America's Forests, it was introduced at the Senate during the 101st, 102nd, and 103rd Congress, as well as during the 107th, by Democrat sponsors, when the chamber was controlled by the Democrats. On the other hand, the Clear Skies Act was introduced at the 108th Congress by a Republican, when the Congress was controlled by the Republican party. It was also during the 108th Congress that the Clean Water Authority Restoration Act was introduced by a Republican. In most of the previous cases, with the exception of the Clear Skies Act, a priority from the Senate to discuss or vote those acts was not observed. None of those Acts have been passed at the Senate.

During the interviews, representatives from the American Forest and Paper Association, the Society of American Foresters, as well as from the U.S. Forest Service and the Department of the Interior agreed that notable differences did not exist in how Democrats and Republicans handle environmental issues. An official from the Society of American Foresters said that it was a tendency that suggests that the Democratic party is more pro-environment, and that also that Republicans try to focus on local initiatives while Democrats on general laws. An officer from the U.S. Department of Agriculture also described a difference between Eastern and Western legislators, as well as those coming from rural and urban areas. For example, Democrats from the East do not support the Healthy Forest Initiative, but in change Democrats from the West do. It was also said that the Republican party is more market oriented, while the Democrat party is more law oriented. An officer of the American Forest and Paper Association described the Democrats as a party that does not want allow people to do anything to the environment, while the Republican party was focused on economic development. A clear tendency of this can be observed in the chart mentioning the number of co-sponsors at the House of Representatives. A decrease in the number of co-sponsors occurred from the 103rd Congress to the 104th, which can be attributed to the take of control of the House by the Republican Party.

In general, regarding the relevance of the Act to Save America's Forest in the political agenda, it can be said that it is not really relevant, if compared to other forest initiatives such as the Healthy Forest Restoration Act.

6.3.2 Is high public interest on the issues addressed by the initiative?

Considering the Earth Summit in Rio, Van Rooy (1997) mentioned that NGOs took advantage of the high public interest arisen on environmental issues, and where topics such as deforestation and biodiversity were relevant. That public interest originated that NGOs could

have influence on the conference outcome. The same can be said for a legislative proposal introduced at Congress to be passed. If the issue addressed in the initiative is dealing with aspects that are relevant for the public opinion, then the possibility of being given deeper consideration increases. At this time, it seems that public interest is more focused on fires and insect infestation in forest lands; existing legislation that does not allow the Forest Service and the Bureau of Land Management to conduct certain fires management practices on the lands managed by them; or the decrease in timber supply from Federal lands; than in problems linked to old growth forest or biodiversity lost. It is important to clarify that by saying that public interest is not currently high on problems linked to old growth forest or biodiversity lost does not mean that those are irrelevant issues. What it is meant is that other problems in forestry have higher relevance at this time, and in order to increase the possibility that biodiversity loss and old growth forest become a priority it is necessary to create a concern on public opinion. In the study case from literature review, it is mentioned how environmental groups in the Pacific Northwest, with the issue of the Spotted Owl, created public concern on the environmental problems occurring at that time, which influenced passing forest management legislation at the Federal level, and resulted in the enactment of important Acts, such as the Clean Water Act, the National Forest Management Act, and the Endangered Species Act. Those Acts constitute the foundation of the strong environmental guidelines legislated in the United States regarding Forest Management.

During the conducted interviews, a general lack of interest from the interviewees on the issues addressed by the Act to Save America's Forests was identified. Basically what was said is that there is not a need to have new legislation to protect old growth forest, since right now, initiatives such as the Pacific Northwest Plan, or the Endangered Species Act exist. However, the previous arguments only represent the opinion of Government officials, foresters, as well as representatives from the timber industry. There is a large number of people interested in addressing the issues of biodiversity loss, limiting clearcutting in Federal lands, and reducing the volume of timber harvested from Federal forests. Many of those concerned citizens are members of groups such as the Sierra Club, Save America's Forests, Friend of the Earth, Audubon Society, Wilderness Society, Conservancy International, Greenpeace, among others. If the problems claimed by those groups are brought in the right way to legislators, politicians, the media, and the rest of the public opinion, then the possibility of introducing them in the political agenda, and being given serious consideration is high.

One of the tactics observed during the Introduction of the Healthy Forest Initiative it was that it was announced in a Presidential trip to the State of Oregon, one of the most affected by forest fires during the 2002 fire season. The 2002 fire season was considered one of the worst fire seasons in modern history (White House, 2002). The magnitude of the fires, which were widely covered by the media in television, radio, newspapers, internet, etc. created concern on the public on the disastrous effects of forest fires. The previously announced Healthy Forest Initiative was officially presented a year after, in another Presidential trip to the same State, and following a forest fire, which killed some firefighters. Certainly the right time to introduce this bill in Congress was carefully chosen. Even when some of the proposals contained in the initiative were controversial, aspects such as lives loss, property loss, and the other consequences captured the minds of the legislators and stakeholders, enhancing them to work faster in order to approve the bill as soon as possible, with the objective of avoiding a similar situation in the future. It is also important to mention, that because of the public interest and intervention in the legislative process at different hearings, the original bill was modified, and core aspects were deleted from the original bill version. For example, the provision instructing judges giving more weight to the opinion of the Agency than to the plaintiff was removed.

Environmental groups also use other tactics, different to lobbying, while trying to create public interest on the issues they are addressing. For example, on April 2003, Save America's Forests invited Jane Goodall²² to the U.S. Senate for a Press Conference to promote the Act to Save America's Forests. Unfortunately the call did not attract attention from the Media, reason why the effort to increase support from the public for the Act did not succeed. At that time the possibility of launching a military campaign to Iraq was the most important news, and issues such as forest depletions were irrelevant. Asking famous people to support an initiative is not always the only way to increase public interest. Electronic bulletins, information on websites, electronic pre-written letters to be sent to Senators and Representatives, videos, newsletters, advertisements, etc. are also widely used tools used by NGOs.

In general it can be said that the Act to Save America's Forests, at this time, does not create high public interest, while the Healthy Forest Initiative does.

6.3.3 Are environmental and social aspects at the expense of economic aspects?

Michaelsen et al. (2000) state that one of the areas that NGOs do not consider is the financial aspects of forest conservation. Usually environmental and social benefits of forests are at the expense of their financial values. This kind of arguments are also supported in the interviews, as well as in the empirical case study.

Regarding the interviews, different statements supporting the economic aspects of the Healthy Forest Initiative were made. For example, an officer from the Society of American Foresters said that this initiative would address the problem of the lack of forest management in small private lands, where the owners usually do not have the financial resources manage their lands. An officer from the Department of Interior also highlighted the point of stewardship contracting, involving the private industry in the projects, decreasing in that way the cost for the government and allowing companies to have economic benefits. An officer from the American Forest and Paper Association also supported the previous comments. The officer cites the biomass program as a good economic incentive to conduct forest management, which is addressed in the Healthy Forest Initiative.

In order to know the interviewees opinion of other initiatives such as the Act to Save America's Forests, which promotes selection management as the main forest management tool, as well as the National Forest Protection and Restoration Act supported by the Sierra Club, additional questions were asked. While talking about establishing selection management as the predominant forest management tool, the interviewees showed not support for this initiative. An officer from the Forest Service said that forest management tools should be selected according to the values influencing forestry. However, it was said that selection management is not adequate for federal lands, because it is really expensive, and requires more investment, despite the fact that it produces frequent disturbances on the land that is managed in that way. The officer from the American Forest and Paper Association said that selection management can only be used in certain kinds of forest, but not in all forests, due to the existing differences in different kinds of tree species and ecosystems. Taken as a whole, the lack of support to what is mentioned in the Act to Save America's Forests by the interviews, exists in its high implementation cost, and in the unsuitability of selection management for every kind of land. Nevertheless, the Act to Save America's Forests is not absolutely refuted as the National Forest Protection and Restoration Act. The latter vows to ban commercial

²² a recognized British scientist that worked with Chimpanzees in Africa

logging in Federal lands, in order to protect the environment. A representative from the Society of American Foresters qualified the proposal as unnecessary, and highlight the fact that communities whose income come from timber sales and products would be highly affected. An officer from the Forest Service said that the idea of not having not commercial logging in Federal lands is illogical, and that American wood should be harvested, which would reduce the effects of logging in countries with less regulations. An officer from the American Forest and Paper Association declared that the supporters of that kind of statements are against the principles of capitalism and business establishment.

Even when the concept of ecosystem management originated a significant change in forest policy (Cashore, 1999), which implied the reduction of timber harvested from Federal lands; the consideration of economic aspects is very important in forest management initiatives. If the case of the Roadless rule is analyzed, even when the measure was supported and shaped by hundreds of stakeholders, its implementation has not been defended by the Bush administration. It is reasonable to assume that it is due to the considerable economic costs up to \$36.2 million dollars in income, including the loss of more than 800 jobs (U.S. General Accounting Office, 2001). The same applies for the Healthy Forest Initiative, that, although was passed, and is waiting for the President to be signed and become public law, was challenged in Congress because of the lack of money to conduct the proposed projects. Forest economy also plays a relevant role in the States of Oregon and Washington, than in the rest of the U.S., reason why stricter regulation for State Forestry does not exist (Cashore, 1999). This allows understanding the active participation of the Governors of both States during the legislative process to pass the Healthy Forest Initiative, since their States have a large area of Federal Forest.

While comparing the economic aspects contained in the text of the Act to Save America's Forests with the Healthy Forest Initiative, it can be said that there is a lack of economic aspects in the former, while those aspects are better considered in the latter. In any case, there is also possible that political interests can surpass economic aspects. The U.S. Forest service timber program has had economic losses for more than \$125 million dollars in a single year (U.S. General Accounting Office, 2001) and in consecutive periods, which indicates the economic infeasibility of the plan. The Healthy Forest initiative also includes a kind of timber harvesting program, which it is supposed to be carried on with the timber obtained from fuel reduction projects. There is not ground to assume that this project is going to be more successful than the Forest Service timber program. As it was said by a high level officer of the Department of the Interior, the initiatives contained in the Healthy Forest Restoration Act of 2003, are to pay back electoral promises.

6.3.4 Are the supporters of the initiative taking part in all decision making processes, and advising the Government in aspects related to their areas of expertise?

Van Rooy (1997), while referring to the influence of NGOs during the Earth Summit in Rio, says that one of the reasons of this influence was that NGOs took part in most of the decision making process at all levels, assisted in writing government interventions, and assessed the delegation on technical points. That statement can also be well supported by the empirical case, and the interviews, as well as the case study from the literature review.

The interviewees referred to this point while taking about the Healthy Forest Initiative. One of the sections of the Healthy Forest Initiative limits public participation in challenging fuel reduction project through administrative or judicial processes, only to those individuals or groups that expressed their concern and submitted their comments during the preparation

stage of the project. All the interviewees favored this measure, since environmental groups are blamed because despite not taking part in the development of a certain project, they decide to challenge the project once it has been clearly defined.

The supporters of the Healthy Forest initiative, which include the timber industry, Federal agencies, State Governments, foresters, lawmakers, among others, have been actively involved in the issue of forest policy. It can even be said that those actors have created certain credibility and expertise in the issue, and have specific personnel assigned for forestry issues.

The same cannot be said for Save America's Forests, that although has credibility as organization among lawmakers, has not taken an active role in shaping forest policy. The name of Save America's Forests and its Act is practically unknown in the environmental movement, and also at the political level. As it is mentioned in the previous section while talking about multi-stakeholder processes, this piece of legislation has not included inputs from the forest industry and the government. Consequently, there is a need for Save America's Forests to ask for the opinion of the industry and government about the Act, and try to negotiate with them regarding differences in points of view, considering the possibility of making modifications to the general proposal in order to be given major relevance. By involving other actors in early stages, the different stakeholders would feel identified with the initiative, because of they were taken into account for shaping it from the very beginning, even when unsuitable contributions from them would not be included in the final version of the initiative.

On the case study based on the literature review, Cashore (1999) mentions how in the State of Washington, in order to design guidelines to carry out the requirements established under the Clean Water Act, an advisory board integrated by representatives from the industry, tribes, and the Washington Environmental Council was created. This highlights the importance of involving the timber industry in any kind of regulation dealing with forest management.

Regarding government assessment, Save America's Forests does not have the resources or the expertise to assess the government in forestry issues in a direct way. However, the organization has contacts with top scientists and forest management experts, which makes possible to educate members of Congress in forestry problems, as well as viable alternatives to solve the problem. Unfortunately any assessment is offered outside Congress, reason why cooperating with Government officials or agencies would be beneficial.

Regarding negotiation, Rantala and Primmer (2003) states in forestry, there are only nature protection advocates and networks pro forestry. However, there is not something in the middle. This is what currently happens with Save America's Forests, or organizations such as the Sierra Club, that have certain ideologies, which, are not willing to negotiate with the government or the timber industry. A point of view focused on "all or nothing" prevails. The same occurs with the forest industry, which does not seem interested in supporting new regulations enhancing forest protection.

In general, it can be said that the supporters of the Act to Save America's Foresters have not had an active role in all decision making processes involving Forest policy, while the supporters of the Healthy Forest Initiative have been actively involved. The same occurs in the case of government assessment, where Save America's Forests is unable to have a major position.

6.3.5 Is the legislative initiative prepared in multi-stakeholder processes including local government and organizations?

Rantala and Primmer (2003) state that in last decades, it has been possible to observe a tendency to call for participation in forest policy processes, which have been called multi-stakeholder processes. In that kind of processes, forest policy decisions are made in committees and working groups, in collaboration with interest groups representing timber processing industry, forest owners, research representatives and experts. This is also supported by the study cases, and the performed interviews.

For example, while interviewees were asked about the Healthy Forest Initiative, everyone highlighted that the initiative was considering other aspects than only Federal lands. Local communities, and businesses were considered, by creating programs such as the one to allow companies to perform fuel reduction projects making possible for them to sell the bi-products and get an income. An officer from the Society of American Foresters said that the Healthy Forest Initiative was also favoring the industry, by allowing categorical exclusions in order to conduct more research. Support was also given to the Forest Service Timber program, highlighting that it provides health and jobs for communities. Specific questions regarding the involvement of stakeholders during the preparation of the legislative initiative were not asked, since information enough on the topic was collected while working for Save America's Forests, and attending meetings in Congress.

The initial version of the Healthy Forest Restoration Act of 2003, as introduced at the House of Representatives was prepared by the White House, and major changes to this were not made at least until it was discussed in a conference by representatives of both the House of Representatives and the Senate. However, during the discussion process and the hearings hold, it was possible for the public to give their input on the bill. Participants in that process included Federal agencies, lawmakers, representatives from NGOs, scientists, representatives from State Governments and the timber industry, among others. At the end their opinion in critical aspects was considered, as mentioned on the section: is high public interest on the issues addressed by the initiative?. This makes possible to say that the Healthy Forest initiative was prepared in multi-stakeholder processes.

While talking about the Act to Save America's Forests, it has also been observed that the initiative has been shaped in multi-stakeholder processes. When the bill is re-introduced in Congress every two years, certain changes and adaptations are made on the text, and in order to make them scientists, Senators and House Representatives as well as their staff, researchers, and other environmental organizations are consulted. However, important players such as the timber industry, Regional or Federal Government officials, and Federal Agencies, and foresters are not consulted.

Another important aspect to comment regarding the Healthy Forest Initiative, is the active involvement of regional governments in the issue. Cardskadden and Lober, (1998) say that most environmental regulations are enforced at the state level, reason why involvement with state agencies can be appropriate and beneficial. From the announcement of the Healthy Forest Initiative, the Governors of Montana and Arizona partnered with President Bush to support the bill. The President of the State of Montana is also Chairwoman of the Western Governors Association, a working group of governors including the most severely wildfire-damaged states. As a regional group, the Western Governors Association took a relevant role during the legislative process to pass the Healthy Forest Initiative. Again the Governor of the State of Montana, as well as the Governors of Arizona, New Mexico and Idaho, submitted a testimony in Congress, expressing their interest in working together with Federal agencies to address the problem of fire build ups. They said that State Foresters, tribes, local officials, and

stakeholders should have the possibility of identifying areas in need of treatment, working together with landowners, to conduct the projects in the needed scale.

As it can be seen in the model from literature review based on Cashore's case (1999), environmental groups have tried to influence Federal forest policy in order to affect State policy. However, almost no effort has been done in working at the local level. Some environmental organizations such as the Sierra Club have local chapters in certain issue areas, but they usually do not work with governments. The situation of Save America's Forests is quite different, since it manages most of its activities from its Headquarters in Washington, D.C. and focuses on lobbying at the Federal level. There are not local chapters in any State, and cooperation with local groups in the different states is limited.

It seems that Forest management conducted at the local level might be more relevant in the future. 28% of the Nation's forests are located in counties with a population higher than 20,000 persons, which means that as forest fragmentation increases, more forests will be managed by local residents or institutions (U.S. Department of Agriculture, 2001). This is an interesting fact, considering that the Forest Service is the main Federal agency in charge of managing federal forests. Because of that, interest in Federal forest policy from some stakeholders such as NGOs, might not be a priority if forests start to be managed at the local level.

The timber industry also plays a very important role when regulations involving forest management are discussed. This is mainly to economic interests. An officer from the American Forest and Paper Association, during a personal interview, expressed concerns in Federal lands, stating that more than 65% of the softwood found in the United States is found in Federal lands. As it can be seen on the section on Facts on the U.S. Forest, timber supply from Federal lands has been reduced significantly. This forces the American timber industry to rely on imports and private lands to fulfill the demand of softwood, reducing competitiveness of this industry at both, the domestic and the international level. The Healthy Forest Initiative permits the forest industry benefiting from fire related projects, allowing it to make commercial use of the bi-products collected during the projects. The Act to Save America's Forests limits the possibility for the forest industry to conduct intensive forest management in Federal lands, because great areas would be permanently protected from logging, and only small areas could be logged, but only on restricted basis, and by using uneven aged harvesting techniques.

This would allow concluding that the Act to Save America's Forests is only partially shaped in multi-stakeholder processes, while the Healthy Forest initiative included a multi-stakeholders approach in the process.

6.3.6 Do the supporters of the legislative initiative have access to decision makers?

Van Rooy (1997) states that NGOs have had most influence in highly relevant low policy issues accompanied by early and continuous access to decision makers. This is also supported by findings from the empirical case study, as well as from the literature review. This indicator was also corroborated during the interviews.

The Society of American Foresters has a Government Affairs Manager, while the American Forest and Paper Association has a Director of Timber Access and Supply, whom are actively involved in the legislative process of bills that reflect their organizational interests. The two Federal agencies dealing with Federal lands, are usually represented by the Under Secretary of

Natural Resources and Environment, from the United States Department of Agriculture; and the Assistant Secretary from the Land and Minerals Management from the Department of the Interior. The same applies for other organizations such as the Sierra Club, and other NGOs such as the Forest Trust, the National Resources Defense Council, Save America's Forests, etc., whom can be involved in the legislative process by attending hearings, or participating as witnesses, having meeting with Senators and House Representatives, as well as sending letters and information to Congressional officers and aides to access decision makers. In the case of forest management policy in the United States, the most important decision makers are going to be Congress members, because they will be responsible of given consideration to a legislative initiative, and eventually pass it. The President of the United States can also be considered as an important figure, because he or she will be in charge of signing the passed bill in order to become public law. The President also has veto power, reason why a passed bill could not become public law if the President vetoes it. Federal agencies such as the Department of Interior, and the Forest Service depend on the President, but their activities are widely regulated by different Acts as well as by Congressional procedures. The appropriations process is usually one of the most important control tools that Congress has over Federal Agencies, since this process decides how much money is going to get an Agency to conduct its annual activities. As it can be seen on the Section: Is the Issue included in the political agenda? Environmental organizations focus on getting as many co-sponsors as possible in order to pass a bill, since they think that by accessing decision makers a bill is going to be given priority and be passed. However members of Congress have to listen to the arguments from not only environmental organizations, but also from the industry, agencies, local communities, regional governments, scientists, lawyers, etc. In addition to that, since members of Congress can be re-elected, they are highly focused on fundraising, and in supporting or voting for initiatives that would represent the interests of their constituents, and donors. The same occurs in the case of the President, who depends on the industry to fund his or her political campaign. It is not likely to think that if the timber industry was a major donor for the President, then the President would sign a law affecting negatively this industry. As it was mentioned before, this has even being supported by Federal officers in an interview, saying that the Healthy Forest Initiative was launched to pay electoral promises.

The case of the Healthy Forest Initiative constitutes an excellent example to observe how Presidential support can influence a bill, and let it to be passed. From the time the initiative was announced the President partnered with Senators and Representatives from the Western States. The lawmakers were not only Republicans, but also Democrats were present. Then the next year, during the official launching of the Bill, the President was accompanied by personalities such as the Chairman on the U.S. Senate Committee of Energy and Natural Resources, Chairman on the Competition, Foreign Commerce, and Infrastructure Subcommittee at the U.S. Senate, Chairman on the Resource Committee at the U.S. House of Representatives, Chairman on the Agriculture Committee at the U.S. House of Representatives, Chairman on the Sub Committee on Forests and Forest Health at the U. S. House of Representatives, Chairman on the Committee of Science at the U.S. House of Representatives, and the Chairman of the House Subcommittee on Fisheries Conservation at the U.S. House of Representatives. By partnered with those lawmakers, the President granted that his initiative would be considered and eventually passed in a few months, but not only because it was sent by him, but also because of the devastating fire season that was a relevant topic in the public opinion.

In the case of the Act to Save America's Forests, it can be said that most of the efforts made to have access to lawmakers are focused on gaining co-sponsors. Save America's Forests is not currently lobbying at other levels such as Federal Agencies or the White House. This makes sense from the perspective that the issues addressed in the Act to Save America's

Forests are not in the political agenda, and there is also not high public interest on them. On the other side, the Bush administration is not interested on this kind of environmental proposals, but at least educating government officials on forestry issues could be helpful to show that a problem exists and proposals to solve it have been developed. During the interviews, as well as in meetings in Congress, it could be observed that the Act to Save America's Forests is practically unknown, which does not apply to other Acts such as the National Forest Protection and Restoration Act, supported by the Sierra Club. If compared to the Healthy Forest Initiative, Save America's Forests only has partial access to decision makers, while the supporters of the former had full access to decision makers.

6.3.7 Is any competition among the supporters of the initiative (if any environmental group) and other environmental groups in range or prestige?

Rantala and Primmer (2003) say that actors in both positions have competitive interests, existing competition between the environmental organizations, especially in the aspects related to financing and public image. This is fully supported by the interviews as well as by the empirical case study.

During the interviews, it was found that the interviewees did not sympathize with groups such as the Sierra Club, because they were considered radical. Officers from the Department of Interior, and the Society of American Foresters said that every organization has a reason to exist, and that in order to gain members and collect fees, they would always have to have a problem. Partially, this can be affirmed by having a look to the recent history of the United States Forest Policy. Even when there are strict regulations for forest management, as compared to other countries, it seems that there is always an issue to be interested in. For example, after environmental groups achieved a considerable reduction in timber supply from Federal lands, they started advocating for the creation of the Roadless rule, to grant additional protection to Federal forest. To keep wilderness areas, they also supported the decision of applying Option 9 and create long successional reserves to protect old growth forests. Some groups have gone even beyond, for example, by suing some government projects conducted by the Forest Service, or by lobbying for new laws, which include prohibiting logging in Federal lands.

On the other hand, some environmental groups are not working together to join forces. It has been observed that there is a fierce competition among certain NGOs to get funds, and also to gain prestige from the initiatives they are working with. This competition was observed between Save America's Forests and the Sierra Club. Both organizations are advocating for a reduction in the volume of timber harvested from Federal lands. The main difference is that Save America's Forests promotes the use of selection management as a harvesting tool, and limits harvesting to certain areas. On the other hand, the Sierra Club wants to ban commercial logging in Federal lands. There is not willingness from any of both parties to work together and combine expertise and experience in a single initiative. However this is not occurring for example with the Clean Water Authority Restoration Act, where the Sierra Club, Audubon Society, and the National Wildlife Federation are promoting it. Instead, Save America's Forests is currently partnering with Friends of The Earth, and the Utah Environmental Congress.

From this, and regarding Save America's Forests, it can be concluded that there is competition among the different groups working with forest policy in the U.S. However, while referring to the healthy forest initiative, the same kind of competence among the different groups could not be observed. This also might had to do with the fact that the initiative was mainly

introduced by the President, and the role of some groups in that process was to support it because of their own interests, but not to gain recognition when the bill were passed.

6.3.8 Are relations with regulators and environmental groups satisfactory?

Cardskadden and Lober (1998) mention that programs leading to improved relationships with regulators and environmental groups are satisfactory. From the personal interviews with representatives from the U.S. Forest Service and the Department of Interior, it was concluded that the relations of both Agencies with environmental groups such as the Sierra Club were not satisfactory. Specific information on the relation of Save America’s Forests with those Agencies was not provided, mainly because of this organization is practically unknown by Federal agencies. While considering other regulators, and specifically members of Congress at both the Senate and the House of Representatives, it was observed that the organization is well positioned, and has good relations at least among bill sponsors and co-sponsors. Despite that, there are not relations with the White House or with State governments.

In the case of the supporters of the Healthy Forest initiative, it can be said that the relations with regulators were very satisfactory, mainly because regulators from Federal Agencies, Congress, and the President were highly involved in the initiative. However, the relation of the supporters of the Healthy Forest Initiative with environmental groups, particularly with those not supporting the initiative was not good, specifically because they had opposed interests and goals.

Regarding the relations of Save America’s Forests with other environmental groups, it can be said that they are not good with big environmental groups, but are more favorable with small organizations. Nevertheless, as it was said before, Save America’s Forests is not well known among environmental groups.

There are not initiatives developed by Save America’s Forests to involve regulators (other than members of Congress), and other environmental groups in common activities, which would contribute to improve relations with them. There is a need for the organization to try to interact with such groups, in order to have more influence on forest policy issues, and increase the possibility of serious consideration in policy making.

6.3.9 Conclusions

In order to summarize the discussion included in the previous section, the eight criteria have been listed in a table, and given the values yes, no, or partial, depending on whether or not they are fulfilled by both the Act to Save America’s Forests and the Healthy Forest Initiative.

Table 1: Success criteria in the Act to Save America’s Forests and the Healthy Forest Initiative.

Criteria	Act to Save America’s Forests	Healthy Forest Initiative
1. Is the issue on the political agenda?	NO	YES
2. Is high public interest on the issues addressed by the	NO	YES

initiative?		
3. Are environmental and social aspects at the expense of economic aspects?	YES	NO
4. Are the supporters of the initiative taking part in all decision making processes, and advising the Government in aspects related to their areas of expertise?	NO	YES
5. Is the legislative initiative prepared in multi-stakeholder processes, including local government and organizations?	PARTIAL	YES
6. Do the supporters of the legislative initiative have access to decision makers?	PARTIAL	YES
7. Is any competition among the supporters of the initiative (if any environmental group) and other environmental groups in range or prestige?	YES	NO
8. Are relations with regulators and environmental groups satisfactory?	PARTIAL	PARTIAL

For the purpose of this analysis, the Healthy Forest Initiative is going to be considered a successful act, since it has passed all the legislative stages, and has been passed in Conference at both the House of Representatives and the Senate, being sent to the President to be signed and become public law.

After evaluating both acts with the selected indicators, four core indicators have been selected. Those are:

- Is the issue on the political agenda?
- Is high public interest on the issues addressed by the initiative?
- Are environmental and social aspects at the expense of economic aspects?
- Are the supporters of the initiative taking part in all decision making processes and or advising the Government in aspects related to their areas of expertise?

Those four were selected as core criteria²³ considering that all of them were present in the Healthy Forest Initiative, and there were not found in the Act to Save America's Forests. The rest of the indicators: *Do the supporters of the legislative initiative have access to decision makers?*, *Is any competition among the supporters of the initiative (if any environmental group) and other environmental groups in range or prestige?*, and *Are relations with regulators and environmental groups satisfactory?* are also important, but were not selected as core indicators considering that they have been fulfilled at least partially by the Act to Save America's Forests. The last factor, which takes into account relations with regulators and environmental groups is not considered to be that relevant, since it is the only indicator that is not totally fulfilled by neither the Act to Save America's Forests or the Healthy Forest Initiative.

Concerning the indicator:

- Is the legislative initiative prepared in multi-stakeholder processes, including local government and organizations?

Even when it is partially fulfilled by the Act to Save America's Forests, it is also considered to be a core indicator. The Act to Save America's Forests is not including local governments, or the timber industry as stakeholders, which are powerful groups, and are partially responsible of the success of the Healthy Forest Initiative in Congress.

²³ A fifth factor, also considered as core factor, is mentioned below.

7. Conclusions

There are different ways of influencing forest management legislation, which include judicial suits and appeals, lobbying the President, the forest industry, or even other environmental NGOs. However, and based on the challenges imposed to ordinances not introduced through Congress, it seems that lobbying at Congress can have better results on the perspective that those proposals would become public law, and could last for indefinite time.

Regarding lobbying at Congress, it can be said that even when common practices suggest that one of the best ways to be successful in influencing legislation is gaining support from legislative members (in the House of Representatives or the Senate) as sponsors; in reality, this is just one of the many factors that have to be considered throughout the process. The priority of an issue in the political agenda; the participation of a distinct number of stakeholders in a legislative project; an active involvement in the issue; negotiation; and focus on economic aspects seem to be relevant aspects that need to be taken into account in order to be successful. Referring to this last aspect, it is common to see in different bills related to forest policy that environmental or social aspects prevail over economic aspects. It has been observed to be a reason why a bill cannot be given support enough from legislators and stakeholders, considering that implementing what is being proposed has to be founded somehow, and sometimes, the economic effects for communities and industries of a certain measure have to be carefully evaluated.

While talking about the Act to Save America's Forests, it is possible to conclude that its possibility to be passed in the long term is low. Even if control in Congress would shift from Republican to Democratic majority, the chance of the Act to be passed would not be significantly increased. If NGOs want to improve the possibility of influencing forest legislation, they need to work actively with local groups, especially in the areas where the existence of Old Growth Forest is being threatened. The possibility of offering objective expertise and advise in different working groups at both Congress, and Agencies dealing with Forestry issues would allow Save America's Forests to be actively involved in the issue, and become an acknowledged authority in the topic. A close follow up to the activities of the Agencies dealing with Forestry issues is really needed. The preparation of non-bias reports containing this information could increase interest from the public, the media, and third parties in forestry issues, and could place the topic on the political agenda, which is one of the most important factors to increase NGO influence in legislation. Having a more flexible position could also be positive, since most of the time it is easier to achieve many small changes in serial steps, than trying to get a drastic change in at once. At the end, this could culminate with the enactment of the major change that was originally seeked. Consideration to alternatives like Forest Certification could also be given. Sometimes, market oriented initiatives are created when policy based proposals are not effective. Finally, a better relation with other Environmental groups as well as Governmental Agencies and Institutions could also be improved, which would allow Save America's Forests to have higher influence in the issue, and achieve its goals.

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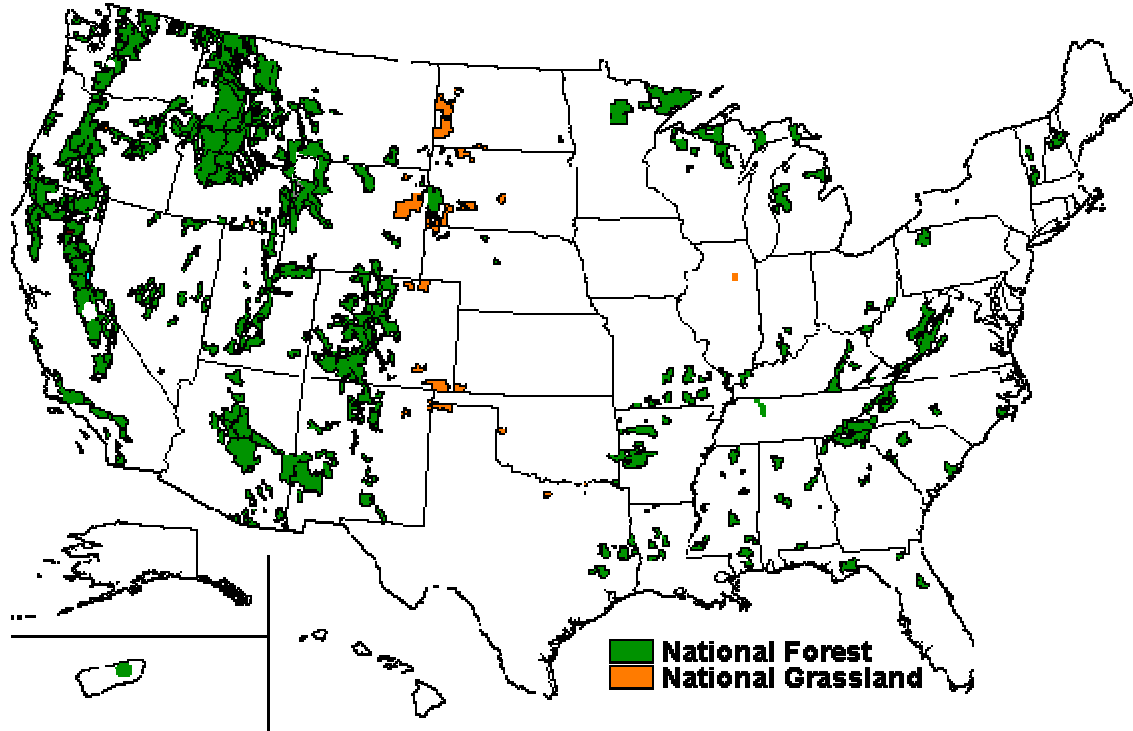
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Appendix

Figure 10: The U.S. National Forest System



Source: U.S. Forest Service (2003)