History & Analysis of Federally Administered Lands in Idaho

Presentation to the Federal Lands Interim Committee of the Idaho Legislature
Boise, Idaho
August 9, 2013

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Director of the Policy Analysis Group
College of Natural Resources
University of Idaho
History & Analysis of Federally Administered Lands in Idaho

RESOURCES

INITIAL SURVEY OF ISSUES FOR THE INTERIM PUBLIC LANDS STUDY COMMITTEE

FEDERAL LANDS INTERIM COMMITTEE — HCR 21 (2013)

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A Report to the Idaho State Board of Land Commissioners by the Federal Lands Task Force

NEW APPROACHES FOR MANAGING FEDERALLY ADMINISTERED LANDS

A Report to the Idaho State Board of Land Commissioners by the Federal Lands Task Force

BREAKING THE GRIDLOCK

Federal Land Pilot Projects

In Idaho

A Report to the Idaho State Board of Land Commissioners by the Federal Lands Task Force Working Group

http://www.idaho.gov/LandBoard/FedLand

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History & Analysis of Federally Administered Lands in Idaho

Mr. Chairman, and members of the Committee, my name is Jay O’Laughlin. I am a member of the Society of American Foresters (SAF) Committee on Forest Policy, and a Professor at the University of Idaho, where I am full-time Director of the Idaho Forest, Wildlife and Range Policy Analysis Group. The SAF is the national scientific and educational organization representing the forestry profession in the United States. Founded in 1900 by Gifford Pinchot, it is the largest professional society for foresters in the world. Throughout its more than 100-year history, SAF has advanced the science, education, technology, and practice of forestry. SAF is committed to maintaining the connection between environmental stewardship and the professional practice in the field.

Thank you for the opportunity to be here. The letter of invitation said, “The purpose of the hearing is to hear testimony on the concept of charter forests, and... hearing about the projects you have been party to.”

The Forest Service has been described as an organization struggling with decision “paralysis,” or “analysis paralysis.” Many public lands scholars have called for national forest reform. Some would change the statute, others would change implementing regulations. Still others feel the current system may be too brittle, and call for experiments with alternative governance models (e.g., Kemmis, This Seventh Forest, 2001).

The issues are controversial, and there is no consensus as to how the current situation could be improved. One thing is clear: people are frustrated about national forest management, regardless of their positions on various issues, and many are seeking for reform. The SAF recognizes that reform should not happen overnight and any change in the management system will require the involvement of a variety of interested and affected citizens. The point is not to advocate reform but...
History & Analysis of Federally Administered Lands in Idaho

OUTLINE

- Acquisition, disposal, and retention of federal lands
- A century of controversy
- Alternative governance models
- Pilot project implementation approach
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Public Land Reservation History

- Yellowstone & Yosemite National Parks (1872, 1890)
- Forest Reserves (1891) → National Forests (1907)
The forest reserves will inevitably be of greater use in the future than in the past. Additions should be made to them whenever practicable, and their usefulness should be increased by a thoroughly business-like management.

First Annual Message to Congress, December 3, 1901
“The forest reserves will inevitably be of greater use in the future than in the past. Additions should be made whenever practicable, and their usefulness should be increased by a thoroughly business-like management.”

President Theodore Roosevelt
First Annual Message to Congress
December 3, 1901
“… their usefulness should be increased by a thoroughly business-like management.”

President Theodore Roosevelt
First Annual Message to Congress
December 3, 1901
GOVERNMENTAL AGENCY
LAND OWNERSHIP &
SURFACE MANAGEMENT

- State Endowment Land
- US Forest Service
- Misc. State Lands
- Other Federal Ownership
- Bureau of Land Management
- Tribal Lands

Projection: Idaho Transverse Mercator, NAD 83

Disclaimer:
This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

Scale 1:3,000,000
0 50 100 Miles

July 2011

Secure Rural Schools Program Reauthorization,
U.S. Forest Service Timber Sale Program, and
Trust Land Management
by
Jay Olagren, Professor of Forestry & Policy Sciences, and
Director, Policy Analysis Group, College of Natural Resources
University of Idaho, Moscow

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*Prepared for presentation to Rep. Rold Labrador’s staff, August 10, 2011, Boise, Idaho

College of Natural Resources-Policy Analysis Group – University of Idaho
Established by the Idaho Legislature in 1999 to provide objective analysis of the impacts of natural resource programs
Issue Briefs are timely summaries of research reports relevant to current natural resource topics.

HANDOUT

University of Idaho
History & Analysis of Federally Administered Lands in Idaho

OUTLINE

- Acquisition, disposal, and retention of federal lands
- A century of controversy
- Alternative governance models
- Pilot project implementation approach
The assertion that the Forest Service would enact a science-based managerial ethos for the national forests provoked a series of Sagebrush Rebellions.
Czar Pinchot and His Cossack Rangers Administering the Forest Reserves

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

Gifford Pinchot
Chiefs Executive

Typical anti-Pinchot cartoon, from the Rocky Mountain News, September 20, 1908.
The assertion that the Forest Service would enact a science-based managerial ethos for the national forests provoked a series of Sagebrush Rebellions. Since the early 20th century, western ranchers, loggers, and livestock operators, and their local, state, and national political representatives, have revolted against the imposition of regulations and user fees associated with their desire to exploit relevant resources on the public lands. (p.8)
It is not immediately clear that the present configuration of this land-management agency [U.S. Forest Service] offers the best structure for meeting the many challenges of the 21st century. Surely the national forests would benefit from a rethinking of the bureaucratic systems that preceding generations devised to govern their use. (p. 10)
I reject any idea that we today are less imaginative and resourceful than men and women who pressed for the establishment of the national forests, national parks, and grazing districts.

We too can innovate; let us try.

Marion Clawson
B.S., M.S., Agriculture, Univ. of Nevada
Ph.D., Economics, Harvard University
Director, USDI-BLM (1948-53)
RFF researcher (1955-1998)
… recent inner tensions have rocked the Forest Service … [and] hampered its ability to reconceive of its place in the political landscape. I was fortunate to watch some of this tumult in 2004-05, as the agency celebrated its 100\textsuperscript{th} birthday and I crisscrossed the country to deliver more than 70 public lectures on some of the environmental benefits and political controversies. (p. 11)
listening would be the most important element of my year of speaking. For the audiences, my talks on the agency’s contested past were but prelude to Q&A, when they weighed in on hot-button issues: [list to follow]
hot-button issues:
• clearcutting and riparian habitats;
• grazing and water quality;
• salmon, salmon, salmon;
• fire – prescribed, wildland, or arson;
• all creatures great and small, endangered or threatened;
• GMO trees, and decline in rural timber economies; and
• lack of toilet paper at trailhead toilets. (p. 11)
… identifying some of the alternative futures that the U.S. Forest Service might face, in particular, are three possible paths that could redefine its structure and mission:

1. Evolutionary dynamics
2. Devolutionary progress
3. Revolutionary impulse

(pp. 116-128)
Separately, none of the three scenarios sketched out here — evolution, devolution, revolution — will have much chance of redefining the Forest Service’s 21st century structure or its guiding perspectives. None of these possibilities will be achieved without reference to and/or in combination with the others. … the real locus of any such transformation lies in Congress and the executive branch. (p. 128)
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- Acquisition, disposal, and retention of federal lands
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- Pilot project implementation approach
FINDINGS (1998)

- Current processes result in uncertain decision making, community destabilization, and environmental quality deterioration
- Significant process changes are necessary; those proposed by the USFS & BLM (1996)* are inadequate

RECOMMENDATION

- Pilot project(s) testing one or more “action” alternatives

*ICBEMP
Table of Contents

1. Why is 64% of Idaho federal land?
2. What is the purpose of federal lands?
3. What does the law say about “ownership” of federal lands?
4. What “federalism” issues are relevant?
5. Analysis of alternatives
History & Analysis of Federally Administered Lands in Idaho

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College of Natural Resources

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ALTERNATIVES

• Existing plans & directions
  - Ecosystem-based mgmt.
• Change ownership
  - Sell lands
  - Ownership transfer
• Change rules
  - Economic-based reforms
  - Land leasing
  - Mgmt. commission
  - Local advisory council (collaborative)
  - Trust land mgmt.
  - Cooperative state & federal mgmt.
New Approaches For Managing Federally Administered Lands

A Report to the Idaho State Board Of Land Commissioners
By the Federal Lands Task Force

ALTERNATIVES - “ACTION”

- Existing plans & directions
- Ecosystem-based mgmt.
  - Change ownership
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ALTERNATIVES - “ACTION”

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Figure 2-5. National forest administrative hierarchy, flow of funds, and public involvement.
ALTERNATIVES - "ACTION"

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  - Land leasing
  - Mgmt. commission
  - Local advisory council (collaborative)
  - Trust land mgmt.
  - Cooperative state & federal mgmt.
<table>
<thead>
<tr>
<th>Arguments For</th>
<th>Arguments Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecosystem-based management has evolved under the current management system.</td>
<td>There is no statutory authority for ecosystem-based management.</td>
</tr>
<tr>
<td>Vegetation communities, watersheds, and wildlife habitats are ecosystems.</td>
<td>Boundaries of ecosystems do not reflect the realities of managing resources in different political jurisdictions and different ownerships.</td>
</tr>
<tr>
<td>Ecosystem-based resource management assessments reveal some resource conditions have deteriorated and need active management.</td>
<td>Active management activities may produce new risks to resources.</td>
</tr>
<tr>
<td>Public involvement opportunities are many and can impact resource management decisions.</td>
<td>Decisions can take a long time and are subject to changes in social desires.</td>
</tr>
<tr>
<td>Bottom-up resource management process reflects local resource conditions.</td>
<td>Ecosystem-based management done at the regional scale is a top-down process.</td>
</tr>
<tr>
<td>Ecosystem-based management recognizes adaptive management and managerial flexibility to adapt to local conditions.</td>
<td>Federal ecosystem management is based on prescriptive standards developed at a regional scale that may not reflect local conditions.</td>
</tr>
<tr>
<td>Planning for large-scale issues such as forest health and endangered species conservation may decrease litigation, or the success of litigation, against resource management projects.</td>
<td>The numerous standards (&quot;required actions&quot;) and decision processes may delay or stop on-the-ground projects.</td>
</tr>
</tbody>
</table>
ALTERNATIVES - “ACTION”

- Existing plans & directions
  - Ecosystem-based mgmt.
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✔️ - Trust land mgmt.
- Cooperative state & federal mgmt.
“Trust land management is our nation’s most ancient and durable resource policy.”

In the contiguous 48 states, 45 million acres of land grants to the states are managed under this model. These lands provide billions of dollars for education and other public purposes.
Table 5-9. Arguments for and against trust land management.

<table>
<thead>
<tr>
<th>Arguments For</th>
<th>Arguments Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model is in widespread use: 135 million acres of state land in 22 states;</td>
<td>Legislation required to establish the trust.</td>
</tr>
<tr>
<td>fifteen million acres of private land.</td>
<td></td>
</tr>
<tr>
<td>Clarity of mission statement.</td>
<td>Perception that the only purpose of trust is revenue generation.</td>
</tr>
<tr>
<td>Perpetuity principle enhances sustainable resource management to conserve</td>
<td>Lack of research data to show that trust land management results in better</td>
</tr>
<tr>
<td>the principle assets of the fund.</td>
<td>biophysical resource conditions.</td>
</tr>
<tr>
<td>Enforceable through fiduciary responsibility of trustees and managers to</td>
<td>Selection of inclusive groups of trustees to represent various resource interests,</td>
</tr>
<tr>
<td>beneficiaries.</td>
<td>and national as well as local perspectives.</td>
</tr>
<tr>
<td>Managers accountable to report financial transactions.</td>
<td>Trust concept is somewhat complex.</td>
</tr>
<tr>
<td>Public involvement opportunities are the same as under the current situation.</td>
<td>Perception that there may be fewer opportunities for public involvement.</td>
</tr>
<tr>
<td>Stable source of funding for resource management and local communities.</td>
<td>Start-up funds and safety net funds may be required.</td>
</tr>
<tr>
<td>Fewer lawsuits and broad appeal processes that hinder on-the-ground projects.</td>
<td>Limits of parties that can sue to the beneficiaries except for third party acts</td>
</tr>
<tr>
<td>under NEPA, CWA, and ESA.</td>
<td></td>
</tr>
</tbody>
</table>
Figure 5-5. Trust land management alternative design for a national forest.
Figure 5-5. Trust land management alternative design for a national forest.
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FEDERAL LANDS INTERIM COMMITTEE — HCR 21 (2013)

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FINDINGS

• Current processes result in uncertain decision making, community destabilization, and environmental quality deterioration.

• Significant process changes are necessary; those proposed in the UCRB DEIS are inadequate.

RECOMMENDATION

• Pilot projects (s) testing one or more action alternatives.
FINDINGS

• Current processes result in uncertain decision making, community destabilization, and environmental quality deterioration.

• Significant process changes are necessary; those proposed in the UCRB DEIS are inadequate.

RECOMMENDATION

• Pilot projects testing one or more action alternatives.
PILOT PROJECTS FOR COLLABORATIVE MANAGEMENT OF FEDERAL LAND IN RURAL IDAHO

Robert A. Maynard

The Idaho Rural Partnership (IRP) mission emphasizes "innovative collaborations to strengthen communities and improve life in rural Idaho." One of the important elements of life in most rural Idaho communities is their interdependence with the use and management of nearly federally managed public lands, which comprise most of the land in Idaho's rural counties. As the recent initial meeting of the IRP Environmental Committee, I briefed the committee members on two proposed pilot projects for collaborative management of federal public lands in rural Idaho: the Clearwater Basin Pilot Project, and the Cassia-Twin Falls Federal Lands Pilot Project. These two projects may be of particular current interest to IRP newsletter readers.

BACKGROUND

Both of these pilot project proposals grew from dissatisfaction in rural Idaho with federal agency management of public lands, particularly by the U.S. Forest Service and Bureau of Land Management (BLM). Polarization of conflict over management of over 80 percent of Idaho's lands administered by these two agencies and related procedural gridlock have been identified as causing harm to the environment as well as to rural economies, from lack of responsibility "on the ground" management and use of natural resources.

In response to these concerns, the Idaho Legislature and Idaho Board of Land Commissioners established the Idaho Federal Lands Task Force to explore alternative ways to manage federal public lands in Idaho. The Task Force, comprised of citizen leaders representing a range of interests, held public meetings across the state and issued a report in 1998. The report confirmed problems with BLM and Forest Service management of public lands in Idaho. In the report, the Task Force recommended that pilot projects be developed to test alternative approaches to management, including collaboration among stakeholders as an important component.

The Board of Land Commissioners then appointed the Federal Lands Task Force Working Group to review and make recommendations regarding particular pilot projects to test the alternative approaches and principles in the 1998 Task Force Report. The Working Group, also composed of citizen volunteers with a range of perspectives and experience, reviewed pilot projects proposed by several groups of rural Idaho community leaders, citizens and businesses. In December 2000, the Working Group issued a report, Breaking the Gridlock, which recommended further consideration of five such pilot projects.

The projects recommended in the Working Group report were geographically distributed from northern to southern Idaho. Each project incorporated collaboration among Idaho landowners and other stakeholders to better inform and facilitate BLM and Forest Service management of public lands. None of the projects involved transfer of federal lands to the state or anyone else. Two of the projects recommended by the Working Group were the Clearwater Basin Collaborative Stewardship Project and the Twin Falls-Cassia Resource Enrichment Project.

The Working Group report recommended receiving wide public participation and several hundred comments. Over 90 percent of the comments received from within and outside Idaho were favorable.

As a representative of the Idaho Department of Lands and Board of Land Commissioners, I have recently been collaborating with Working Group members and interested rural community leaders and citizens to implement one or more pilot projects incorporating recommendations in the Working Group report. The current Clearwater Basin and Cassia-Twin Falls projects proposals have evolved as the prime, fully developed candidates for implementation.

THE CLEARWATER BASIN PILOT PROJECT

The legislation would empower an inclusive collaborative advisory panel to work with the Forest Service, Nez Perce tribe, and other interested groups and citizens to reach consensus agreement on high priority "stewardship" activities to implement on national forests lands in the Basin. These individual "stewardship" projects would address habitat, fire, and other resource management needs requiring priority attention. Environmental review and approval of these projects would be reasonably expedited.

The advisory panel would function like the existing North Central Idaho Resource Advisory Committee ("RAC"). The North Central Idaho RAC was established under the Secure Rural Schools and Community Self-Determination Act of 2000 to oversee allocation to stewardship projects of limited money previously dedicated to county roads and schools as "25 percent Fund." Payments. This RAC, which appears to be operating well as a collaborative group despite divergent views among its conservationist, local government, business, and recreationists members, could serve as the pilot project advisory panel. However, its role could be reasonably expanded to assist the Forest Service to select, from a full range of eligible projects, priority activities to implement to serve forest restoration and other stewardship needs.

CASSIA-TWIN FALLS FEDERAL LAND PILOT PROJECT

In the Cassia County and Twin Falls County areas of southeast Idaho, federal lands managed by the Forest Service as part of the Sawtooth National Forest are intermingled with federal lands administered by the BLM. Ranchers, recreationists and other users must deal with two different federal agencies, each with its own procedures and other rules, to address many resource management issues and operations. The Cassia-Twin Falls Federal Land Pilot Project is proposed to facilitate coordination and communication between Forest Service and BLM services in this area, as well as promote better stewardship...
FINDINGS

• Current processes result in uncertain decision making, community destabilization, and environmental quality deterioration

• Significant process changes are necessary; those proposed in the UCRB DEIS are inadequate

RECOMMENDATION

• Pilot projects testing one or more action alternatives

December 2000

S. Hing. 108-531

HEARING BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS
SECOND SESSION
ON

S. 433

A BILL TO PROVIDE FOR ENHANCED COOPERATIVE FOREST STEWARDSHIP MANAGEMENT BETWEEN THE CLEARWATER AND NIZ PECLE NATIONAL FORESTS IN IDAHO, AND FOR OTHER PURPOSES

H. R. 1280

A BILL TO INSTITUTE THE SECRETARY OF AGRICULTURE TO EXCHANGE CERTAIN LANDS IN THE ARAPAHO AND ROOSEVELT NATIONAL FORESTS IN THE STATE OF COLORADO

H.R. 1964

A BILL TO ASSIST THE STATES OF CONNECTICUT, NEW JERSEY, NEW YORK, AND PENNSYLVANIA IN CONSERVING PRIVATE LANDS AND NATURAL RESOURCES IN THE HIGHLANDS REGION, AND FOR OTHER PURPOSES

MARCH 24, 2004

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INTRODUCTION OF THE CLEARWATER BASIN PROJECT ACT
HON. C.L. “BUTCH” OBIER
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 13, 2003

INTRODUCTION OF THE CLEARWATER BASIN PROJECT ACT
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