

Future of Federal Forests in American West

(Federal Forests in Oregon are a Microcosm of the West,
except for the Presence of the NWFP)

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Sources of My Thoughts

- Career long Study, Listening and Observation
- 20 years Experience in Forest Service in Variety of Positions, both Staff and Line; NFS and R&D
- 12 years Dean of College of Forestry at OSU, Director Oregon Forest Research Laboratory, lots of Work with ODF on State Programs
- 12 years on OFRI Board
- 8 years Service on NCSSF, chair 2 years
- Team Member IFMAT III

4 Topics; 2 Questions

- Purposes
- Governance
- "Experiments"
- Trust and Treaty Responsibilities
- Who is Defining the Future of Federal Forests Now?
- Who Should in the Future?

Why the Look at Purposes and Governance?

- Always Useful to have some Context on how we got Where we Are

Purposes

- Statutory Mandates
 - Organic Act, O&C, MUSY, FLPMA, NFMA
 - Added Obligations: NEPA, CWA, CAA, ESA

Purposes 2

- Policies, Directives, and Traditions
- Interpret Mandates
- Form Agency Cultures
- Results of Laws, Policies, Directives, Traditions are Stakeholder Expectations and Agency Reluctance to Change
- But, Change is Underway and it is not Clear Where it will go and Where it will End

Purposes 3

- Currently Somewhat to Greatly Confused
- Conflict Between Original Purposes and Added Obligations
- Impacts of Legal Actions Enabled by EAJA
- Changing Stakeholder Expectations
- Impacts of Fires Insects on Budgets

Governance

- Originally Top-down Policies by Agencies Augmented by Bottom-up Implementation
- NEPA Changed Role of Citizens
- EAJA and APA Changed Means of Protest

Governance 2

- Coordination with Relevant Federal and State Agencies:
- EPA, FWS, NMFS
- State FW, For Depts.

Governance 3

- Collaboratives?
- Rectify the Inconsistent Engagement with Federally Recognized Tribes
- Governance Alternatives: Valle Caldera Trust, Kemmis "time to stop the land grabs, e.g., TR's midnight forests, Clinton's roadless "taking" from Democratic Processes

"Experiments"

- New Perspectives/Ecosystem Management, 1990s
- Stewardship Contracting, 1990s
- CFLRPs, 2000s
- Franklin and Johnson Pilots, 2010s
- Existing Legislation? DeFazio, Wyden, Hastings, 2014
- A New Model for Very-long Rotations on Existing Planted Forests and Matrix with Extended Early Seral Conditions following Regeneration Harvests? Stubblefield et al 2014.
- Is this all We Can Muster?

"Experiments 2"

- Practice truly Adaptive Management and Change Practices Based on Outcomes of "Experiments" , e.g., WRC results, Reeves et al.
- Test Novel, Trial Governance Processes, e.g., Kemmis Suggestions
- Invite Tribes to Play More Significant Roles they are Legally Promised and Create some New Ones

Tribal Trust and Treaty Responsibilities

- Federal Trust Responsibility in Exchange for Ceded Ancestral Lands to Tribes Poorly Upheld -- Budgets, Staffing, Attitudes, Stewardship of Tribal Money
- Treaty Rights to Hunt, Gather and Fish in Usual and Accustomed Places since mid 1800s
- What is there to Hunt, Gather, and Fish if the Plants and Animals are not Present in Reasonable Abundance due to On and Off-site Management?

Anchor Forests, ITC

- Secure Sufficient and Secure Wood Supply to Keep Local Mills and Woods Workers Viable
- Who Owns Mill is not a Make or Break
- Anchor Forests would help Enable Tribal Forests to have Access to Markets, Keep Tribal and Local Mills Economically Viable, Create Tribal Jobs and Wealth for Rural Communities

Anchor Habitats?

- Extend Anchor Forests Concept to Usual and Accustomed Places
- Manage those Places to Enhance Culturally Significant Resources, Reduce Risks from Uncharacteristic Disturbance Events
- Would require Closer Collaboration Between Agencies and Tribes

Anchor Forests, Habitats, and Treaty Rights

- Many 10s Million Acres
- Do Existing Laws Enable: TFPA, Stewardship Contracts?
- Federal Lands Current Conditions are Liabilities to Tribal Resources, Both On and Off Reservations, e.g., Mescalero Apache and Lincoln NF, No. AZ
- New Interpretations, New Laws?

Self-determination and Self-governance

- Federal Policy for Several Decades now
- Barriers Remain:
 - Failure to fulfill Federal Trust and Treaty Responsibilities,
 - Unfunded Mandates to tribes, e.g., NEPA, ESA
- Tribes are Sovereign Nations yet Must Comply with all Federal Laws and Policies ; Hinders Self-determination

Governance Options for Self-determination

- Cede Ancestral Lands Currently Considered Federal Back to Tribes and Give them Freedom to Make the Laws and Policies for those Lands Free from Federal Constraints
- Cede Lands Back but Leave Certain Federal Laws in Place as with States, e.g., CWA, CAA, ESA?
- Coquille Example, Others in the Works

Governance Options

- Enter Co-management Contracts with Tribes to Share Management Responsibility for Usual and Accustomed Places
- Give Tribes Special Preference in Stewardship Contracts

The Questions

- Who is Defining the Future of Federal Forests Now?
- Nature -- Fires, Pests, Storms
- Regulatory Agencies
- Activists
- Judges
- Who Should in the Future?

Final Perspectives

- Current Situation is Not Working for Lands, Communities, Economies, or Agencies, Both Tribal and Non-tribal
- Change Must and Will Occur, BUT WHEN?
- AND, Will it Be Enough and Will it Address all 3 Dimensions of Sustainability -- Environment, Economy, Community -- PLUS Federal Responsibilities to the Citizens who own the Lands, Responsibilities to Enhance the Capacity for Tribal Self-determination?
- We need more than 1 "Experiment" and more than just Ecological Experiments, all with more Scientific Rigor in Design and Measurement of Outcomes