



PUBLIC LANDS

PUBLIC DEBATES

A Century of Controversy

CHAR MILLER

*Public Lands, Public Debates*  
A CENTURY OF CONTROVERSY

*Char Miller*

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## INTRODUCTION

### *In the Woods*

In his foreword to Paul W. Gates' massive tome, *History of Public Land Law Development*, Rep. Wayne Aspinall, head of the Public Land Law Review Commission (1965-1970), for which the book had been written, was trying to be something that his many critics doubted he could ever be—even handed. The Colorado Democrat offered this balancing caution to those ready to plunge into the 828-page document: "The members of the Commission probably will not unanimously agree with all the inferences and observations of the authors," Aspinall noted, and doubted that "all members of the Advisory Council and all of the Governors' Representatives will agree with the viewpoints expressed by the authors." Caveat lector.<sup>1</sup>

Aspinall was partly speaking about himself: as the long-serving chair of the House Interior and Insular Affairs Committee (1959-1973), he had been a canny and pugnacious opponent of many of that era's most significant pieces of environmental legislation affecting the nation's public lands; he wanted greater exploitation of their varied resources, water-development projects especially, and championed a much smaller federal regulatory footprint, which led him to denounce the Wilderness Act and disdain endangered-species protections. As David Brower, then-executive director of the Sierra Club, famously declared: "dream after dream dashed on the stony continents of Wayne Aspinall."<sup>2</sup>

Whatever his individual animus, Aspinall's resistance was part of a larger cultural narrative, a pattern that Gates' thoroughly documented book confirms: Americans have always fought over the public lands, about their physical existence, political purposes, economic benefits, and environmental values. About them, we have never reached unanimous accord.

The battle over them began before there was such a thing as an "American," before there was an institutionalized concept of "public lands." Central to these early conflicts was the European powers' granting of lands to those founding colonial settlements in North America. In the case of Great Britain, Gates writes that its "extraordinarily liberal charters or grants to proprietors" established the thirteen colonies, whose boundaries "were ill-defined, overlapping, and crossed with Indian occupancy claims and trading rights." This set of initial complications only intensified, a result of each colony adopting its own system of distributing those acres

under its control (and lots that were not). In hopes of clarifying these blurred lines of authority and power, England, following the 1763 Treaty of Paris, in which it gained control of most of the eastern half of North America, tried to impose its will on how colonial governors and legislatures distributed property. This imposition “irked influential people that an absentee government in which they were not represented could exercise such powers.” One of them was Thomas Jefferson, who, in his 1774 brief, “Summary View of the Rights of British America,” disputed the Mother Country’s primacy. All “lands within which the limits of any particular society has circumscribed around itself, are assumed by that society, and subject to their allotment only,” the magnate of Monticello asserted. The right to do so was lodged in the people’s “sovereign authority,” collectively proclaimed or legislatively declared; and if unstated, it devolved to the individual, who “may appropriate to himself such lands as he finds vacant, and occupancy will give him title.” The war over the public domain was joined.<sup>3</sup>

The successful conclusion of the Revolutionary War, and land-claims settlements between states old and new, changed the context of that battle. Henceforth it would be, as Gates puts it, “thrashed out” between the states and central government. A thrashing it has been, too. Every permutation of that oft-pitched, two-century-long struggle to define the ownership and purposes of the public lands is deftly chronicled in Gates’ thick text. The early-nineteenth-century brawls as each new state entered the union get full treatment: the distribution of the public domain in support of internal-improvement projects and public education, to promote settlement, and honor veterans as well as the successful memorial from reformer Dorothea Dix seeking the sale of five million acres to support the housing and care of the insane. The generous-to-a-fault railroad grants, and a raft of give-away measures disguised as reform legislation, including the Timber Culture Act (1877), Desert Land Act (1877), Timber and Stone Act (1878), also are thoroughly vetted. As are the Progressive Era measures that launched what would become the Forest Service and the national forest system and subsequently kicked off a storm of protest. With the public lands, there has never been a dull moment.

So it is something of a puzzle that Gates concluded his study on an optimistic note. Writing about the emergence of the various systems of federal management of the public lands from the vantage point of the late 1960s—hardly a quiet time—he argued that once-powerful sectional

interests had lost their sway; that the greatest threat to these assets might come henceforth from those who loved them to death—hikers, campers, and other recreational users; and that there was a welcome tempering of the clash between those who favored strong federal control of these public assets and those Jeffersonians like Aspinall who felt the states should have greater control of these resources, if not outright sovereignty over them. “Many Americans take great pride in the national parks, enjoy the recreational facilities in the national forests, and in large numbers tour the giant dams and reservoirs of the Reclamation Service,” Gates observed. “National pride in the possession and enjoyment of these facilities seems to be displacing earlier views.”<sup>4</sup>

The tensions—regionally based and/or user driven—instead have continued unabated. This has been true of each new session of Congress, regardless of which political party holds power in which branch, and notwithstanding whether a Democrat or Republican occupies the White House. They appear to spike as national elections near, but given the two-year electoral cycle for the U. S. House, and the modern non-stop electioneering process for all candidates regardless of office tenure, there have been few respites in the national debates over public-land management since the 1968 publication of Gates’ seminal work.

As a case in point, consider the impact of the 2010 congressional elections, in which the Republican Party re-captured the House of Representatives. No sooner had the ballots been certified than its designees to chair the relevant oversight committees and subcommittees began to ramp up their attacks on the public-land agencies, questioning their management, proposing to slash their budgets, and floating the possibility that the states would prove better stewards of these forests, grasslands, and parks. Annoyed by the Wilderness and Endangered Species acts, incoming chair of the subcommittee on public lands, Rep. Rob Bishop of Utah, starting chipping away at their impact on landscape management by alleging that they undercut national security along the U.S.-Mexico border. “It is unacceptable that our federal lands continue to serve as drug trafficking and human smuggling superhighways,” he declared in December 2010, concluding that along the 1,933-mile border “[s]trict environmental regulations are enabling a culture of unprecedented lawlessness.”<sup>5</sup>

His colleague, Cynthia Lummis, similarly lambasted the federal government’s legal obligations and moral responsibilities for protecting the national forests, parks, and refuges: “Every day our nation’s border

patrol fights to protect our country against increasingly sophisticated criminal networks that produce and smuggle illegal drugs, and people, into America,” she argued in June 2011. “Unfortunately, DOI policies have tied the hands of Border Patrol agents, who need access to federal lands to carry out their constitutional responsibility to secure the border.” To unfetter them, Lummis proposed, and the Republican-controlled House passed, an amendment preventing the Department of Homeland Security from transferring funds to the Department of Interior to mitigate any damage resulting from its actions in designated wilderness areas. Although such mitigation is required by federal law, and is standard practice between governments and agencies on the local, state, and national levels, the Republican supporters of this amendment ignored such claims, cheering its anti-environmentalism, its alleged capacity to stop the “further bloating of the federal estate.”<sup>6</sup>

Congressional budget-slashers also targeted these various regulatory institutions—the BLM, Forest Service, Park Service, and Fish and Wildlife Service—to cripple their ability to do their job of managing the full array of remarkable resources under their care. As a result, the public lands became a pawn in the quite bruising federal-budget battle in the spring of 2011. So intense was the partisan debate that for a time it appeared as if the federal government would be forced to shut down, locking up the public lands. In the end, that did not happen, and the deal that President Obama brokered with Congress initially seemed to maintain critical environmental protections. The administration’s defensive maneuvers even earned it quick praise from mainstream green organizations. Scott Slesinger, legislative director of the Natural Resources Defense Council, made the case: “President Obama, Senate Majority Leader Harry Reid, and many senators deserve the American people’s gratitude for standing firm against the nineteen anti-environment riders pushed by the Republican leadership and the Tea Party extremists.”

Alas, these lauded politicians had not stood quite as firmly as their green supporters first believed. When the details of these rough budget negotiations finally emerged, for instance, they revealed that the fiscal cuts and policy compromises that Democratic negotiators had accepted established some troubling precedents for the public lands and the species they sheltered.

Start with wolves. Their presence has long rankled western ranchers convinced that these animals’ existence is in direct competition with their



livestock operations. Since the late nineteenth century, they have wrangled substantial federal support for their convictions. The old U. S. Biological Survey (now Wildlife Services in the Department of Agriculture) offered hired hunters bounties to kill wolves; its actions were later codified in the Animal Damage Control Act (7 U.S.C. §§ 426-426c) that President Herbert Hoover signed in March 1931. These mandates underwrote a brutally successful extirpation campaign. By the 1930s, wolves—and a lot of other critters—had been cleared from valley, basin, and range.

With the enactment of the Endangered Species Preservation Act (1966), later expanded through the Endangered Species Act (1973), Congress began to reverse its previous commitment to these animals' extermination. These new protections required public-land bureaus to maintain habitat for those species that the U. S. Fish and Wildlife Service certified were threatened or endangered. In time, scientists and activists began arguing for the reintroduction of some of those animals, including wolves, bears, and coyotes, that once had been shot, poisoned, and trapped on the public domain.

Initial recovery programs have demonstrated some success, and yet with every sighting of a healthy new wolf pack opposition to their reintroduction has become more vocal and targeted. Since the late 1980s, these opponents have fused their rhetoric with the region's longstanding antipathy to the federal government's legal obligations to protect and manage the public domain. Shooting wolves, really and metaphorically, has been a way to stick it to Uncle Sam.

This hostility found curious presidential sanction during the 2011 budget crisis. President Obama signed off on a controversial provision to turn wolf management over to the respective states that Senator Jon Tester (D-MT) and Rep. Mike Simpson (R-ID) had stuck into the budget agreements. Said Tester: "This wolf fix isn't about one party's agenda. It's about what's right for Montana and the West—which is why I've been working so hard to get this solution passed, and why it has support from all sides. It's high time for a predictable, practical law that finally delists Montana's wolves and returns their management to our state—for the sake of Montana jobs, our wildlife, our livestock, and for the sake of wolves themselves." What Tester did not acknowledge was that the real "fix" that this provision provided was to his sagging election prospects. To shore them up amid a tough political cycle for western Democrats, the Obama administration willingly stripped this endangered animal of its ESA protections at the very moment when

its recovery seemed assured. As has been recorded in the long and bloody history of human predation on wolves, this magnificent animal took a very big hit. Concluded Jeff Ruch, executive director of Public Employees for Environmental Responsibility: “This gave Jon Tester a powerful political pelt to hang on his wall.”<sup>7</sup>

Tester dismissed those who projected that his maneuver would lead to other attempts to de-list endangered or threatened species. “We didn’t amend the Endangered Species Act. We asked that a recovered species—a species that [FWS] projected at 300 when it was reintroduced and now is 1,700, be taken off and managed just how we manage elk and mule deer and antelope and everything else.” The ink was barely dry on the provision, however, before Senators John Cornyn (R-TX) and James Inhofe (R-OK) pushed amendments to the Economic Revitalization Act of 2011 to prohibit USFWS from listing the dune sagebrush lizard and the lesser prairie chicken. The Tester-Simpson amendment, then, set a precedent and, in Ruch’s perspective, sent “a signal that, as far as the Obama administration is concerned, the Endangered Species Act is a bargaining chip.”<sup>8</sup>

The gamble emboldened Republicans in Congress further to challenge the Obama administration’s public-lands legislative agenda. One example of many: they prevented the BLM from creating an inventory of lands that had the potential to be designated as protected wilderness. This action was designed to gauge how committed the president was to the preservation of those priceless wild lands that earlier he had identified as key features in his much-ballyhooed program, “America’s Great Outdoors.” Announced with great fanfare in February 2011, the initiative hoped to reconnect Americans with their rich natural environs: “Despite our conservation efforts,” the president asserted, “too many of our fields are becoming fragmented, too many of our rivers and streams are becoming polluted, and we are losing our connection to the parks, wild places, and open spaces we grew up with and cherish.” Of equal concern was that “[c]hildren, especially, are spending less time outside running and playing, fishing and hunting, and connecting to the outdoors just down the street or outside of town.”<sup>9</sup> These sentiments scanned nicely, but the depth of the chief executive’s political commitment to these galvanizing words emerged when, within a month of uttering them, he sacrificed essential portions of his back-to-nature proposal.

This recap of some the arguments that erupted over America’s public lands during the first months of the 112th Congress reminds us that these treasured spaces have never been and can never be apolitical. Owned in

common, managed via congressionally sanctioned laws that the Supreme Court has fully sustained, the national forests and grasslands, parks and preserves are funded through federal tax receipts; the public lands are thus national in scope and significance. And their controversial histories reinforce as well the idea that they have always been vulnerable to shifting tides of public opinion, alterations in fiscal support, overlapping authorities for their management, involving federal, state, even local, mandates, as well as critical tribal prerogatives and military claims. On the map and through a bureaucratic flow-chart their very presence seems to defy logic and reason. But never doubt their reality in the political arena or in the hearts and minds of those who live in and around them; who recreate along their up-country trails, wetlands, or marshes, in thick forest or open water; who mine or log or harvest some of their natural resources; or who may never visit them but are grateful for their existence, for the possibility of their plenty.

It is with this array of contests, accommodations, and politics that *Public Lands, Public Debates* is primarily concerned. Using the Forest Service as a marker of the broader debates Americans have engaged in since the late nineteenth century, the book examines moments high and low, public and private, that help explain some of the particular (and occasionally peculiar) tensions that have shaped the context in which the agency has operated. Like those, for instance, that led to its birth. The first section of this volume, Creative Forces, teases out some of the intellectual sources, political maneuverings, and cultural resonances that ultimately led to the formation of a federal bureau dedicated to the conservative management of the nation's forests and grasslands. To build a consensus in support of this idea required the publication of a seminal text, George Perkins Marsh's *Man and Nature* (1864), but although the book said a great deal about the need for Americans to steward their natural resources before it was too late, it did not urge the creation of a governmental agency with stewardship as its mission. How Marsh's insight impelled Franklin B. Hough, Nathaniel Eggleston, F. P. Baker, and the multi-talented George Bird Grinnell to work front and center and behind the scenes to promote a federal commitment to forestry and conservation is critical in its own right. But this activism, so at odds with Congress' historic attempts to reduce the size of the public domain, sparked a strong pushback from states-rights proponents in and out of Washington, D. C. These early forest reformers were also overtaken within the very movement they launched by such figures as Bernhard

Fernow and more aggressively by Gifford Pinchot, first chief of the U. S. Forest Service. Both men were trained foresters who joined in common cause with those less well credentialed and the voluntary associations such as the American Forest Association that these individuals had founded to advance their claims. But the claims of scientific expertise that these foresters wielded meant that the amateurs' days were numbered. So Pinchot signaled when he and his family underwrote the country's first graduate school in forestry at Yale; established a professional organization, the Society of American Foresters, whose membership depended on holding the requisite academic degree; and then preferentially hired those educated in the new discipline.

This new order was not without its critics. The assertion that the Forest Service would enact a science-based managerial ethos for the national forests (a name they acquired in 1907) provoked a series of Sagebrush Rebellions. Since the early twentieth 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. In the final decades of the twentieth century these episodic challenges came paired with sharp rebuttals from the political left; environmental activists rebuked the Forest Service and those interest groups they were convinced had captured the agency and co-opted its mission. These oppositional claims, in the context of the Reagan administration's anti-environmentalism, at times turned violent, damaging the civic arena.

Violence was not the only option, of course. At the same time that Congress was debating passage of the Wilderness Act and Aspinall was negotiating with the White House to sanction the Public Land Law Commission's wholesale evaluation of the federal land-management efforts, a private-public partnership emerged. In 1963, Gifford Pinchot's son and family donated the late forester's ancestral home, Grey Towers, to the Forest Service. They did not want it to become a museum reifying his achievements but a center for public engagement on critical issues confronting the public lands, as well as on the health and well-being of the citizenry who depended on these resources. Focused first on conservation education, then on environmental-forestry research, and later still on environmental policy analysis and collaborative conservation, and until the 1990s suffering from uneven funding and commitment, the Pinchot Institute for Conservation nonetheless has held firm to the idea that President John Kennedy gave

voice to in September 1963 when he dedicated the institute from the front steps of Grey Towers:

Conservation is the key to the future, and I believe our future can be bright. If we can continue to expand the programs we have begun—if all of us at every level can meet our responsibilities—if we can gain new insight and foresight from the Pinchot Institute and similar centers of learning—then we can write for our land a record of accomplishment and high purpose unparalleled in the world.<sup>10</sup>

The president was assassinated two months later, but his testimonial, and its representative claim on the wider culture's growing appreciation of the need to address the nation's environmental ills, lives on in the passage of a slew of congressional legislation that occurred shortly after his assassination, from the Wilderness Act (1964) and National Trails System Act (1968) to the National Environmental Policy Act (1970) and the Clean Air and Water acts of the 1970s. The states were busy, too. A record of their commitment is illustrated in the institutionalization of the idea of conservation in agencies and bureaus now dedicated to the management of their public lands and the recreational opportunities and natural resources they contain. Their proliferation and disparate missions test the meaning of the term "conservation" or "environmental," a rhetorical challenge that illuminates how difficult it is to talk about our collective relationship to the public lands, as idea and fact.

It only seems that the past had a better handle on these semantics, that its path was better blazed by word and deed. But it did not, which is a key theme in the section Policy Schemes. Take, for instance, the knock-down, drag-out fights over the passage of the Antiquities Act (1906) and the Weeks Act (1911). It took years for their proponents to define their terms, to build the requisite political coalitions needed to enact these seminal pieces of legislation. Yet even if the Antiquities Act granted presidents unchecked power to create national monuments, that authority did not tamp down controversy about their actions and did not necessarily alter the on-the-ground management of such sites as Devils Tower. As complicated was the reception accorded the Weeks Act, which gave the executive branch the capacity to purchase land to create national forests. It took eleven years for Congress to approve the law, a span of time that was required to resolve what its sharpest critics believed was a constitutional logjam: what right did the federal government have to buy private property from willing sellers?

The question rankled those staunchly opposed to the potential expansion of the federal estate; these were only satisfied after Forest Service lawyers linked land purchases in high-country watersheds to the interstate rivers they fed, and thus connected them to the federal oversight articulated in the Commerce Clause of the Constitution. The Weeks Act, ironically enough, also placed the federal government in the position to buy back land that many decades earlier had resided in the public domain.

That the past is ever present, that its presence can be traced physically in the land itself and in people's shifting decisions about how to manage it, is the subject of chapters assessing what Pinchot dubbed the Bloody Angle, the contentious issue of grazing on the public lands, and the Supreme Court decisions that ultimately granted the Forest Service the power to regulate this use. It is found, too, in the interwoven histories—geological and human—of a place called Devils Postpile National Monument; in the longstanding commitment to fight wildland fires in the treacherous San Gabriel Mountains of Southern California; in the rearguard actions to gain a handle on the expanding and illegal production of marijuana on the national forests, particularly in the Golden State. This reciprocal relationship between time past and time present also appears in the policy dilemmas associated with major changes in forest property ownership in the American west; as more and more timber companies sell off their landed assets, fragmenting ownership patterns, this dramatic turn of events will have critical implications for how (or if) federal agencies will be able to manage the public lands on a landscape-scale level.

These various tensions have sparked as well a series of uncomfortable questions about the Forest Service's continued existence. It is not immediately clear, for example, that the present configuration of this land-management agency offers the best structure for meeting the many challenges of the twenty-first century. Surely the national forests would benefit from a rethinking of the bureaucratic systems that preceding generations devised to govern their use. It is at least well worth exploring the extent to which these historic arrangements should continue to shape contemporary action in an age of dynamic climate change.

Yet any such thinking ahead must include the backward glance, not least because some of the recent inner tensions that have rocked the Forest Service, which are the focus of the book's third section, have hampered its ability to reconceive of its place in the political landscape. I was fortunate to have a good seat from which to watch some of this tumult, for in 2004-

05, as the agency celebrated its one hundredth birthday, I served as its centennial lecturer, crisscrossing the country to deliver more than seventy public lectures on some of the environmental benefits derived from its first century of service and political controversies that had erupted during that period. Visiting every one of the Forest Service's nine regions, speaking before audiences tiny (six people in Cordova, Alaska) and large (nine hundred in Jacksonville, Florida), and in places as distinct and distant as Plymouth, New Hampshire, Asheville, North Carolina, and Riverside California, Cloquet, Minnesota, Monticello, Arkansas and Lufkin, Texas—I met with seasonal workers, rangers, supervisors and regional foresters, industry reps and grassroots activists. And listened.

I had not realized that listening would be the most important element of my year of speaking. But whatever I thought I was doing when I stood up in a university lecture hall, or at a conference podium, a forest visitor center, or local historical society, the audience had other ideas. For them, my talks on the agency's contested past were but prelude to Q&A. That is when they weighed in on the hot-button issues then roiling management of national forests named Chugach, Lolo, or Coconino; Rio Grande, Nantahala, or Wallowa-Whitman. 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, the decline in rural timber-based economies; and lack of toilet paper at trailhead toilets. There was no question that these forests and grasslands were beloved; the passion they evoked made it clear that the surrounding hamlets, suburbs, and cities had laid claim to them; these public lands are decidedly public—ours.

But just who was the preferred “our” was, well, that was a matter of heated debate. Regardless of who opened the discussion—policy wonk or naïf; grizzled timber beast or wide-eyed environmentalist; rafter or dam-builder; rider of horses or ATVs—the oppositional voices went straight to the microphone (or just stood up and started in). The disputes could be well mannered, if ideological. Heart-felt anger could become theatrical. And people laughed: unexpectedly, sarcastically, happily. Yet whatever the tenor of the exchange, it occurred to me I was overhearing a community's intimate conversation with itself, much like one-time telephone switchboard operators must have done as they connected households on a party line.

However routinized some of the back-and-forth came to be, the experience also sensitized me to the sheer range of conundrums that the

national forests embodied, and just how numerous were the people who were seeking their resolution. Watching democracy at work can be bewildering, even frustrating, but the only way individuals and organizations can sift through the often messy business of public deliberation is to deliberate. As part of my contribution to this process, I began to write a series of essays that tracked these debates and arguments. About the hope and hesitations that the Healthy Forest Restoration Act (2003) had generated across the national forest system. About why downstream interests must pay close attention to the water flowing off the national forests, especially in the oft-arid west. I suggested that voters might want to be more aware of the political pressures that can buffet the Forest Service, and that they might become a bit more savvy about the intensifying collaboration that was emerging in public-lands management, a trend that ran counter to the conflicts that dominated the public discourse about them. In play at the same time were the Forest Service's musings about its organizational identity related to its status within the Department of Agriculture, reevaluations that led to the revision of some of its operating objectives. Perhaps among the most salient was the recognition that its provision of environmental services—what in 2004 Associate Chief Sally Collins called the national forests' "natural capital"—was a return to its founding principles and a newfound calling.<sup>11</sup>

Collins, who five years later became the first director of what is now the USDA's Office of Environmental and Markets, also pushed the Forest Service to look beyond its territorial domain, beyond our national borders. Although the agency always had paid attention to the global dimensions of forest management, following Gifford Pinchot's internationalist lead, it reemphasized its external perspective in the first years of the twenty-first century. In response to the Seventh American Forest Congress (1998), and the push from that assembly for more community-based forestry, Collins and her colleagues began to trek to Oaxaca, Mexico, to study its integrative models of communal land management. Southern Mexico had a lot to teach northern Montana.<sup>12</sup>

And me: I had participated in the congress and was struck by the glimmering possibilities that the quest for great local management contained. This concept gained academic credence for me a couple of years later as I edited a special issue of *Environmental History* on the history and present state of community-forestry programs in Asia.<sup>13</sup> That abroad I might discover some answers to what seemed like age-old questions plaguing the



U.S. public lands seemed clear in 2002, during a transformative visit to the Tiputini Biodiversity Station in the heart of the Ecuadoran Amazon.

I became more convinced when, at Collins' invitation, I attended the second and third MegaFlorestais conferences as part of the support staff. The ten countries that make up this informal organization are home to two-thirds of the world's forested estate, and the leaders of their public-land agencies use the annual meeting as a chance to talk about the difficulties they are encountering. In 2007, the group meet in St. Petersburg, Russia, a week after the Nobel Peace Prize was bestowed on the Intergovernmental Panel on Climate Change and Vice President Al Gore, and much of the formal presentations and corridor chatter was dominated by the formative role that climate change—its meteorological realities and environmental consequences—would have in shaping the management strategies of China and Russia, Indonesia, Democratic Republic of Congo, and Australia, Canada, and the United States.<sup>14</sup>

That same conversation picked right up, seemingly in mid-sentence, at the 2008 sessions held in the Brazilian cities of Brasilia and Manaus: there the representatives considered the best ways by which better to manage their forest resources, and thus their societies' carbon footprints; land-tenure reforms that allowed greater local control were at the top of the list. Another teachable moment came after a night-long sail down the Amazon from Manaus to the river port of Itacoatiaria, where the group reconvened on the property of Precious Woods Amazon, a European-funded logging operation. The company's rigorous environmental controls and its deep commitment to community well-being is a sterling example of how to meld conservative forestry, economic development, and social justice, a local example for how to work deliberately, conscientiously, in a globalized marketplace. We have much to learn.

### Notes

1. Wayne N. Aspinall, "Foreword," in Paul W. Gates, *History of Public Land Law Development* (Washington, D. C.: Government Printing Office, 1968), iii.
2. James Lawrence Powell, *Dead Pool: Lake Powell, Global Warming, and the Future of Water in the West*, (Berkeley: University of California Press, 2008), p. 115.
3. Gates, *History of Public Land Law Development*, 1-3; Gates writes from an English-only perspective, paying scant attention to the tribes' place in this land-grab process, and almost none to the impact of the French and Spanish colonial land laws and subsequent property-rights issues that as a result have emerged.
4. *Ibid.*, 32.
5. Stephanie Simon, "Wilderness Policy Sparks Western Ire," *Wall Street Journal*, December 30, 2010: <http://online.wsj.com/article/SB1000142405274870454300>

- 4576051981953491522.html?mod=googlenews\_ws; last accessed July 21, 2011; Rob Bishop, press release, December 15, 2010: <http://robbishop.house.gov/News/DocumentSingle.aspx?DocumentID=217552>; last accessed July 21, 2011.
6. Cynthia Lummis, press release, June 2, 2011; <http://lummis.house.gov/News/DocumentSingle.aspx?DocumentID=244390>; last accessed, July 21, 2011.
  7. Charles Taylor, "Budget's Wolf Delisting Opens Pandora's Box of Species Attacks, Enviro Groups Warn," *New York Times*, April 13, 2011; <http://www.nytimes.com/gwire/2011/04/13/13greenwire-budgets-wolf-delisting-opens-pandoras-box-of-s-99159.html>; last accessed June 16, 2011.
  8. Ibid.
  9. <http://americasgreatoutdoors.gov/2011/02/15/president-obama-launches-initiative-to-develop-a-21st-century-strategy-for-america%E2%80%99s-great-outdoors/>; last accessed on June 16, 2011.
  10. [http://www.foresthistory.org/ASPNET/Places/GreyTowers/JFK\\_speech.pdf](http://www.foresthistory.org/ASPNET/Places/GreyTowers/JFK_speech.pdf); last accessed July 20, 2011.
  11. Sally Collins, "Environmental Services: Making Conservation Work," Outdoor Writers of America, June 22, 2004; <http://www.fs.fed.us/news/2004/speeches/06/environmental-services.shtml>; last accessed June 21, 2009.
  12. "USDA Announces New Office of Ecosystem Services and Markets," December 8, 2008 press release: <http://www.usda.gov/wps/portal/usda/usdahome?contentid=2008/12/0307.xml&contentidonly=true>; last accessed June 23, 2011; on outcomes of the Seventh American Forest Congress, see: [http://www.yale.edu/forest\\_congress/](http://www.yale.edu/forest_congress/); last accessed June 23, 2011.
  13. Special Issue: "Forest History in Asia," *Environmental History*, April 2001.
  14. Char Miller, "'The Wolf is at the Door': Forests, Foresters, and Global Climate Change," *Journal of Forestry*, January/February 2008, 5-6.

“Watching democracy at work can be bewildering, even frustrating, but the only way individuals and organizations can sift through the often messy business of public deliberation is to deliberate...”

—CHAR MILLER, from the Introduction

The subject of historic struggle and contemporary dispute, public lands in the United States—national forests, monuments, parks, and preserves—are treasured spaces, owned in common. Their controversial histories demonstrate their vulnerability to shifting tides of public opinion, changes in funding, and overlapping authorities for their management—including federal, state, and local mandates, as well as critical tribal prerogatives and military claims.

In nineteen essays, environmental historian Char Miller explores the history of conservation thinking and the development of a government agency with stewardship as its mission. Taking the U. S. Forest Service as a gauge of the broader debates in which Americans have participated since the late nineteenth century, he examines critical moments of public and private negotiation, shedding light on the particular—and occasionally peculiar—tensions that have shaped the administration of public lands in the United States.



photo credit: Courtesy of Pomona College

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