National Forest Management Act

By John R. McGuire, Chief U.S. Forest Service

Editor’s Note: Forty years ago Forest Service authority to sell timber sales was in jeopardy because of the November 1973 Federal Court ruling in the case of Izaak Walton League v. Butz, that said the Forest Service was in violation of the Organic Act of 1897. In August 1975, the decision was upheld by the Fourth Circuit Court of Appeals. One week later, the Chief of the Forest Service ordered timber sales stopped on nine National Forests in North Carolina, South Carolina, Virginia and West Virginia.

The 1976 National Forest Management Act (NFMA) was a direct result of this lawsuit. NFMA resulted in fundamental changes in the administration of National Forests. Forest Plans replaced multiple use and functional plans.

It is timely after almost 40 years to look back at Chief McGuire’s 1976 Journal of Forestry article on the National Forest Management Act so our readers can assess how implementation has evolved over time.

The 88th Congress is sometimes referred to as the "Conservation Congress" for the Wilderness, Land and Water Conservation Fund and other conservation measures it legislated. The 94th Congress may similarly become noted as the "Natural Resource Policy Congress" because of the significant natural resource policy legislation it enacted in its closing days. With the National Forest Management Act of 1976, and also with the Federal Land Policy and Management Act, the Agricultural Resources Conservation Act (later vetoed by President Ford) and the Payments-in-Lieu-of-Taxes Act, the 94th Congress dealt quite substantially with a number of important resource policy issues.

The National Forest Management Act is a landmark in the history of the nation's natural resource legislation. What started out as a solution to timber sale problems caused by the famous - or infamous - Monongahela decision evolved through the legislative process into the strongest policy direction Congress has ever provided on national forest management. Senator Hubert Humphrey said of this legislation "It represents a milestone in federal policy toward management of our vast National Forest System, presenting a sound purpose..."
Museum News
By Dave Stack, Executive Director

Keeping the Museum organization functioning and responsive to the needs of the Board and membership requires substantial effort on part of Administrative Assistant Suzanne Gillespie and myself. There is steady flow of information requests from members and the public. There are frequent conference telephone calls with committees and Regional Directors.

Membership income over the past three years covers about 35% of total operating expenses. Insurance, Society of American Foresters Convention and administrative assistant salary are “fixed costs” in addition to the registration and audit expense explained below.

Financial Audit and IRS 990 Report --- Annually the Museum hires a Missoula CPA firm, JCCS, to audit our financial records and prepare the IRS 990 Form. Suzanne pulls together and organizes the financial records for the auditors. This includes obtaining financial records from our four affiliates — Friends of Ninemile, OTO, Darby and Upper Rock Creek. The 990 is a 36-page report of our financial activities to the Internal Revenue Service. The 990 has grown in complexity as a result of fraudulent conduct a few nonprofits. This is a significant annual cost to the Museum --- $8,400. Both documents are open to the public.

State Registration --- Many States have regulations requiring registration of nonprofits conducting fundraising in the State. Registration usually requires filing a report, paying a fee and providing copies of our financial audit and 990 Form. Until 2014, we hired Labyrinth, Inc. to prepare and file the paperwork. Suzanne is taking on registration of 20 states this year as a cost saving measure.

Conservation Education Program --- We are beginning to develop a grant application to support obtaining professional expertise to develop a Conservation Education Program. I have recruited Fletcher Brown, Associate Professor, College of Education, University of Montana and Alanna Vaneps, Curriculum Coordinator of the Missoula County Public Schools to work with the Museum to develop a grant application that meets curriculum standards and utilizes the Museum’s repository collection of objects, photographs, papers and published materials in the education lessons.

Friends of Upper Rock Creek --- This group is assisting the Lolo National Forest in the preservation and maintenance of three historic back country cabins. The public can rent two of the cabins. As an affiliate of the Museum, donations for the Friend’s projects are given as designated funds to the Museum and are tax deductible. The Museum provides accounting and financial management for this Friends group. Work of affiliates is another way the Museum supports the Forest Service. Twelve volunteers from points between Colorado and Oregon are working for one week this month. See photographs on page 3.

Let’s Get Social!

Scott Hawk, Communications Director, has developed very interesting Facebook and Twitter pages. There are many photos from the archives with captions and interesting links to Forestry and Conservation news.

Check it Out!

Copyright © 2014
Fernow Experimental Forest At 80 Years
Still Shedding Light on the Future

Fernow Experimental Forest was signed into being on March 28, 1934, the research questions it was established to address – water quantity, water quality, and timber quality – said a lot about the nation’s circumstances. Most of the country was withering under a drought that would scorch on for several more years, and eastern forests were beginning to rebound from exploitive logging that had ended just a couple of decades earlier.

Originally a 3,640-acre experimental forest within the Monongahela National Forest, in 1974 the Fernow was expanded to include 4,600 acres. The forest, which is named in honor of Bernhard Fernow, a pioneer in American forestry, is one of 80 experimental forests and ranges established in the United States since 1908.

“Research has always been a linchpin for the Forest Service to effectively achieve its mission,” said Michael T. Rains, Director of the Northern Research Station and the Forest Products Laboratory. “America’s forests provide essential goods and services that we rely on, from forest products to clean water and air to open space for all to enjoy. Count on Forest Service research to remain a vital part of keeping our rural and urban forests healthy, sustainable and more resilient to disturbances now and for future generations.”

Research at Fernow has:

- Led to a better understanding of traditional forest management practices and to the development of new techniques for managing forests in the Central Appalachians, including two-age management and the use of prescribed fire to sustain mixed-oak forests.
- Demonstrated that acid deposition in precipitation has been influencing forested ecosystems for decades and also has provided evidence that the Clean Air Act has improved water quality in the Central Appalachians.
- Showed that proper use of best management practices can reduce erosion and sedimentation of streams associated with many forest management actions.
- As part of the national experimental forest network, answered transcontinental questions about ecosystem properties related to climate change.
balance between protections of the environment on the one hand and assuring adequate supplies of wood and wood products on the other."

While providing policy direction, Congress with the new law has endorsed the concept that silvicultural prescriptions should be the province of the professional resource manager, not the legislators. But with this law, it also has made clear that it intends to keep an eye on what the resource manager is doing. Congress expects the resource manager to practice interdisciplinary planning and the public to be involved in management decisions. For the time being it has by-passed restrictive legislation in favor of policy direction. However, there's little doubt that if Congress doesn't like what it sees in the way its direction is being carried out, it will be back with more direction and also more restrictions. We have been given policy guidance; now it is up to us to work effectively within that direction.

Most of the key issues in forest policy dealt with by the 94th Congress are found in the National Forest Management Act.

**Silvicultural systems.** Although the media still refer to the National Forest Management Act as “clear-cutting” legislation, clear cutting per se was really never the major issue. The debate over clear cutting throughout the past decade seems to have reached its peak back with the Church Subcommittee hearings and the guidelines on clear cutting issued in 1972. The Church guidelines, revised slightly, were written into the act. But in general the debate over clear cutting seems to have tapered off, probably because there is much better congressional understanding of the silvicultural rationale for clear cutting. More attention was centered on environmental controls of clear cutting and other even-aged practices.

One of the early focuses of debate on this legislation was on even-aged versus all-aged management, and whether the legislation should prescribe silvicultural practices for the resource manager. The Randolph - Brown bills, supported by some environmentalists, would have dictated a number of silvicultural practices, particularly the use of uneven-aged management in the eastern hardwood forests. However, there was really not much support for prescription by legislation, and it never became a major point of debate.

**Regulation of cut.** This issue proved to be the most difficult of the forest policy issues for the Congress to try to resolve. It was upon this point that the legislation almost faltered and was saved only by compromise in the final moments. The rate of liquidation of the large inventory of old-growth timber in the national forests is indeed a policy question, although it has many technical aspects. The nondeclining even flow policy of the Forest Service has been widely criticized by those who believe it has resulted in a liquidation rate that is either too fast or too slow. But alternative policies were not well analyzed and presented. By the time the House and Senate conferees met on the act, the question had become whether to deal with the issue by statute or to leave the matter to agency discretion. The compromise finally worked out sets nondeclining even flow as policy but gives the resource manager some flexibility to address specific harvest scheduling problems on a case-by-case basis, provided that changes from the standard policy can be accomplished in harmony with multiple-use sustained yield objectives of the land management plans and that there is public participation in the planning process. This compromise saved the legislation at the last minute, but only time will tell whether the issue has been resolved fully or only temporarily.

**Land-use decisions.** The act provides major direction on land management planning to augment present planning. It was through the land management planning process that Congress chose to deal with the recognized diversity of the forest lands involved. Rather than try to legislate management direction, Congress has chosen to legislate a land management planning process with full public participation so that considerations unique to each land unit are dealt with before a final management decision is reached. Public participation is an important part of this process. A committee of scientists composed of non-Forest Service personnel is to be established to provide scientific and technical advice to help develop regulations for the land management planning process and to ensure that an effective interdisciplinary process is developed.

**Program funding** -- How to fund programs is an issue Congress must deal with continually. So far, the substantive committees have not found a solution to the problem of ensuring high enough budget requests and appropriations for the programs they support. Two years ago Congress
attempted to deal with program funding in the Forest and Rangeland Renewable Resources Planning Act (RPA) by tying funding to long-range program planning. In similar legislation vetoed this year, the Agricultural Resources Conservation Act would have provided for the long-range planning of Soil Conservation Service programs. In the National Forest Management Act, Congress again took up the question of specific funding for certain programs. The act authorizes a $200 million annual appropriation and directs an accelerated schedule for reforestation and timber stand improvement. But it also provides funding for activities outside the regular appropriation procedures. For example, salvage sales can be financed through monetary deposits from the purchasers of those sales. And use of the Knutson- Vandenerg deposits (the K-V Fund) has been broadened to include sale area improvement operations, maintenance and construction, and wildlife habitat management. In the past, both the executive and legislative branches of government have frowned on such attempts to by-pass appropriations. But surprisingly no controversy surfaced over these funding provisions in the National Forest Management Act.

Timber sale policies -- Congress made a number of substantial changes in timber sale policies. One change is in length of term of sales. Congress has for some time been dissatisfied with lengthy sales, believing government resources should not be committed on a long-term basis without knowing what future needs or difficulties might arise. Thus, it has placed a 10-year limit on timber sales. Some exceptions are allowed, but I don't foresee frequent use of them. And, lest we forget, the National Forest Management Act did repeal that section of the Organic Act which, as interpreted by the courts, banned the sale of all timber from national forests which was not dead, physiologically mature, of large growth and individually marked.

Kinds of trees on national forests -- The National Forest Management Act addresses the question of what kinds of trees we should be growing on the national forests in two distinct ways. One is related to the age of trees. On this question, Congress has decided that, in most cases, trees on the national forests should be grown to sawtimber size rather than to be harvested as soon as they reach pulpwood size. As with many provisions of the act, however, Congress has left room for exceptions.

Statutory status -- I believe this issue will have great significance. With the passage of the National Forest Management Act, the national forests created from the public domain have been given statutory status, and can now only be returned to public domain by an act of Congress. National forests created from the public domain were established by presidential proclamation and could have been returned to public domain by another presidential proclamation. The chances of this ever happening on a large scale were slim, but the possibility was there.

Other solutions considered — One question that has frequently been raised is why we didn't seek a simpler solution to the forest management problems brought on by the Monongahela decision. When it first became obvious that a solution must be sought through legislation, we had hoped to have an administration bill to advance our position. But division within the administration denied us this advantage. There was some thought, also, that a simple revision of the Organic Act would only lead to further litigation.

Future Needs Professional Management

At the beginning, I said the National Forest Management Act of 1976 endorsed the concept that silvicultural prescriptions should be the province of the professional resource manager. But I think we can go further than that. With this act, Congress reaffirmed its faith in the natural resource professions. We have been given a great deal of latitude to manage the national forest and range lands in the best interests of the nation, using our technical skills, scientific knowledge, and professional judgment.

But with this congressional endorsement of professional resource management comes great responsibility. Whether forestry issues remain out of the courts depends a great deal on how well on-the-ground management is responsive to both congressional direction and the needs and desires of the American public. We must ask ourselves if more sensitivity to public concerns in the early 1960's might have prevented a situation in which the Monongahela decision became a critical, national issue. By the time public wants and demands -- were understood, it was too late. The public had turned to the courts.

National forest managers have now been given a chance to show that they can carry out congressional directives without prescriptive legislation. We can't depend on another chance. In effect, we have said to Congress: Tell us what you want from the nation's forests and give us the tools we need to practice scientific resource management. In return, we will manage those forest lands to produce the goods and services the nation needs, not just now, but in perpetuity.

Excerpts from the article “National Forest Policy and the 94th Congress ” by John R. McGuire is reprinted by permission of the Journal of Forestry. The article, was originally published in the Journal of Forestry, Vol. 74, Nu. 12, December 1976, pages 800-805.
Museum Service & Program Donors  
02/13/2014 to 05/17/2014

Robert W. Bates  
Chester A. Bennett, Jr.  
Wayne Bousfield  
Stan & Judy Dempsey  
John Emerson  
Bob Erickson  
Thomas L. Finch  

Stephen Fitch  
Shirley Green  
Thomas P. Hagan  
Charles R. Joy  
Richard C. McArdle  
Frank & Diane McElwain  
Del Radtke  

Ronald A. Schaufler  
Charles P. Teague, Jr.  
George R. Wilson  
Ken I. Young  

Honor Roll Donors  
02/13/2014 to 05/17/2014

Claudia Brown  
James Caswell  
Joseph Church  
Suzanne Duciaume  
Sheri & John Freemuth  
Shirley Green  
Jan Kowal  
Tom & Dotty Lennon  

Pat McLean  
Betty J. Munis  
Cecilia R. Seesholtz  
Bobbie Sherrod  
Idaho Forest Restoration Partnership  
SAF Snake River Chapter  

Robert "Bos" Bosworth  
Duane G. Breon  
Gary Brown  
Jack Lavin  
James Davies McLean  
Allen W. Smith  
Arnold "Arn" Snyder  
Helen I. Rasmussen  

Honor Roll Names  
02/13/2014 to 05/17/2014

Capital Campaign Donations  
02/13/2014 to 05/17/2014

Jerry Gause  
Ed & Donna Heilman  
Del Radtke  

Michael A. Arias  
Bob Black  
Pat & Lee Bunnell  
Greg Griffith  
E. Mark Heilman  
Anne Heilman  
Rupkalvis  

Raymond Helm  
Mark Howe  
John Kennedy  
Betsy McGreer  
David Stewart  
Paul Stover  

New Members  
02/13/2014 to 05/17/2014

More Objects

Routt National Forest Decal  

Physical Fitness Calculator, 1975
Datil National Forest was established in western New Mexico in 1908 from the part of the Gila National Forest (est. 1907) and other public lands. The Datil Forest was 1,255,883 acres in land area. The Magdalena National Forest and other areas were added in 1909. The entire Datil National Forest lands were transferred to the Cibola National Forest (primarily) and Gila National Forest in 1931. The name was discontinued. The former Datil Forest area is presently part of the Magdalena Ranger District of the Cibola National Forest. It is located in the Datil Mountains, to the north of the town of Datil, in Catron and Socoro Counties.

New Employees Lack Commitment?

Each generation seems to question new employees work ethics and commitment to the Forest Service job.

What did long-time employees think about new employees back in the early days of the Forest Service?

William B. Greeley, Chief of the Forest Service, in a May 24, 1924 memorandum to Regional Foresters said the Rocky Mountain Region “believes that the present frame of mind prevailing among our young men and born of the spirit of the time is to cash in as handsomely and quickly as possible on their special training.”

From the archives: 2002.3.326

Modern organizational titles, used

Some of the New Items Cataloged

Archives:
- Road Policy Memo, September 13, 1922 to District Forester Frank C. W. Pooler from Aldo Leopold Assistant District Forester. 2002.3.316
- Siskiyou NF Fire Inspection, 1921 by Evan W. Kelley, 22 pages. 2002.3.333

Books:
- Gifford Pinchot and the Making of Modern Environmentalism, 2001
- The Wilderness Warrior: Theodore Roosevelt and the Crusade for America, 2009
- For Earth's Sake: The Life and Times of David Brower, 1990
- Timber and Men: The Weyerhaeuser Story, 1963

Artifacts:
- Fairchild K20 Aerial Camera, ca. 1944. 2014.7
- P-38 Can Opener, ca. 1965. 2009.27.79
- Routt NF Decal, ca. 1970. 2008.31.9

K20 Aerial Camera
Gifford Pinchot National Forest

P-38 Can Opener
Designed 1942 for Military K-Rations. Carried by Firefighters until the 1980s. Length — Just 1 1/2 inch
Note: Your mailing label shows the date your membership expires. Please mail dues payment, 1 month prior to the date listed above. This space is blank for complementary copies of the newsletter. Please renew EXPIRED memberships as soon as possible to continue support of the Museum program.

Membership Application
Fill out, detach, and mail to: National Museum of Forest Service History, P.O. Box 2772 Missoula, MT 59806-2772

Mr. __Ms. __Dr. __ Name: ___________________________ Address ___________________________
City/State/Zip: ___________________________ Daytime Ph.: ___________________________
E-mail: ___________________________ □ New □ Renewal □ GIFT

Membership Categories Annual Dues

□ YES—Start sending my newsletter to the email address above.

Student $15 or more
Individual $30 or more
Family $55 or more
Contributing $150 or more
Sustaining Organization Life
$300 or more $100 or more $1000 or more

Trees were Vital in World War II

A tremendous quantity of lumber was required for packaging the materials of war. For example, more than 700,000 different military items had to be shipped for the North African campaign—most of them packaged in boxes, crates, and paper cartons. Lumber requirements for boxing and crating increased steadily from 1942 to 1944, when nearly 17 billion board feet of lumber were consumed in domestic and military packaging.