

**Testimony of**

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**Before the**

Subcommittee on National Parks, Forests and Public Lands

**On**

*Forest Service Regulatory Roadblocks to Productive Land Use and Recreation: Proposed Planning Rule, Special-use Permits, and Travel Management*

**November 15, 2011**

Chairman Bishop, Ranking Member Grijalva, and members of the Subcommittee:

Thank you for inviting me here to testify today. My name is Mike Dombeck. I am an avid outdoorsman. I spend several weeks each year recreating on public lands: hunting, fishing, camping and enjoying the national forests across the country, but mostly in my home state of Wisconsin. I was raised on the Chequamegon National Forest in northern Wisconsin's lake country where I spent 11 seasons working as a fishing guide, which paid my way through college. I have also owned land within the national forest boundary for over forty years, which I manage for wildlife habitat, recreation and timber harvest. I had the privilege of spending a career in public service with the federal land management agencies and retired as Chief of the Forest Service in 2001. I spent the past 10 years at the University of Wisconsin-Stevens Point as UW System Fellow and Professor of Global Conservation. I am currently Director of the David Smith Post-Doctoral Research Fellowship in Conservation Biology. I have been and currently am a member of several conservation organizations. I mention all of this to make the point that my testimony comes not from the singular perspective of an advocacy group or agency but from someone who uses and cares deeply about land, and has witnessed the benefits and challenges of public land management over the past several decades.

Before I discuss some of the specific issues that are the subject of this hearing, I would like to take a step back and consider today's issues in a broader historical context. The Spanish philosopher Jose Ortega y Gasset once observed: "We have need of history in its entirety, not to fall back into it, but to see if we can escape from it."<sup>1</sup> As long as our public lands have existed we have been challenged by the need to balance uses of the land, and manage these uses in a way that sustains the long-term health and productivity of the land. It is a challenge that we as a society have not always met. And when we

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<sup>1</sup> Jose Ortega y Gasset, *The Revolt of the Masses* (New York: Norton, 1993).

have met this challenge, we have too often done so only after experiencing the consequences of asking too much of the land and taking more than it can provide.

For example, the very origins of the national forests can be traced back to the need to maintain watershed function<sup>2</sup> at a time it was becoming clear that overgrazing and unsustainable timber harvesting impaired the ability of watersheds to catch, store and release water. This resulted in heavy floods, unnaturally low summer flows, and increased erosion and sedimentation. The need to protect and restore watershed function is even greater now than ever before, as about 124 million Americans rely on national forests and grasslands as their primary source of clean drinking water.

Despite the early recognition of the need to protect watersheds, public lands were once viewed as a vast storehouse of inexhaustible resources. The result of this approach was environmental destruction and, along with it, social and economic disruption. Over time, this approach has created a need for regulations that curtail destructive activities. Before the Taylor Grazing Act, unlimited grazing resulted in widespread range deterioration. By the 1870s federal rangelands were greatly overgrazed. In 1887, a severe winter, coupled with malnutrition, killed millions of stressed livestock, bankrupting many cattle companies that were involved in land-damaging and speculative grazing practices. Before the National Forest Management Act, clearcutting had become the preferred method of timber harvest, resulting in losses in forest productivity, degraded fish and wildlife habitats, and increased fire hazard. As a hunter and angler, I feel compelled to also point out that fish and game regulations arose in response to severe over-harvest that wiped out or greatly depleted many populations of game species.

These experiences point to a lack of humility in our approach to natural resources. Our society's desire to maximize outputs—whether it is more livestock, more timber, or more fish and game—has consistently led us to take more from the land than it can sustainably provide. As our demands on national forests grow along with our population and the advent of new technologies, the need to put in place management prescriptions that provide for sustainability becomes increasingly acute. What we leave on the land for future generations is ultimately more important than what we take.

This need is evident today with the tremendous growth in recreational use of our national forests. In 1950 there were an estimated 27 million recreation visitor-days per year on national forest system lands. In 2009, the national estimate was 173.5 million. The forest road system grew from approximately 206,000 miles in 1974 to more than 374,000 miles today.<sup>3</sup> During my time as chief of the Forest Service we were in the midst of a dramatic growth in the motorized use of national forests. The number of off-highway vehicle (OHV) users in the U.S. grew from approximately 5 million in 1972 to over 51

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<sup>2</sup> “Congress’s conference committee report on the General Land Law Revision Act of 1891 had cited the need to protect western watersheds as the rationale for forest reserves when it had given the president the right to establish forest reserves by proclamation.” Richard White, *It’s Your Misfortune and None of My Own: A New History of the American West* (Norman: University of Oklahoma Press, 1993).

<sup>3</sup> USDA Forest Service, *The U.S. Forest Service - An Overview*, [http://www.fs.fed.us/documents/USFS\\_An\\_Overview\\_0106MJS.pdf](http://www.fs.fed.us/documents/USFS_An_Overview_0106MJS.pdf).

million in 2004. More than 11 million people using OHVs visited national forests and grasslands in 2004.

High numbers of visitors to national forests are a good thing. It means people are enjoying the outdoors, which is important to a healthy lifestyle and to developing future stewards of our natural resources. One of the greatest social changes over the past century has been the shift from a rural to now mostly urban lifestyle. With the help of science and technology a greater proportions of humans than ever before are living farther removed from the land. In my view, one of our biggest challenges is reconnecting people with the land and nature. That doesn't mean we all have to live in the woods or on the prairie. But we do need a populous that understands and appreciates the land that ultimately sustains our needs and life styles. We need to invest in outdoor and environmental education like never before. The public lands provide an important place for our youth to connect with the land and nature.

A Forest Service report found that “More than 57 percent of visits to National Forest System lands are done primarily for physical activity, such as hiking, biking, and skiing.”<sup>4</sup> All this activity provides significant economic benefits. According to the same Forest Service report, recreation activities on national forests and grasslands have helped to sustain an estimated 223,000 jobs in rural areas and contributed approximately \$14.5 billion annually to the U.S. economy.

However, if it is not properly managed this level of recreational use can have negative impacts on national forest resources. In 2004, my successor as chief of the Forest Service, Dale Bosworth, identified unmanaged motorized recreation as one of the top four threats to national forests, estimating that there were more than 14,000 miles of user-created trails, which can lead to long lasting damage.

A 2009 GAO report titled, *Enhanced Planning Could Assist Agencies in Managing Increased Use of Off-Highway Vehicles*, identified a range of potential environmental impacts associated with OHV use, including:

- damage to soil, vegetation, riparian areas or wetlands, water quality, and air quality,
- wildlife habitat fragmentation, and
- spread of invasive species.<sup>5</sup>

The report stated that

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<sup>4</sup> News Release: *USDA Forest Service Report Shows Economic, Health Benefits of America's National Forests and Grasslands*. Release No. 0359.10. July 7, 2010. Accessed November 9, 2011 at [www.usda.gov](http://www.usda.gov).

<sup>5</sup> U.S. Government Accountability Office. Report to the Subcommittee on National Parks, Forests and Public Lands, Committee on Natural Resources, House of Representatives. *Federal Lands: Enhanced Planning Could Assist Agencies in Managing Increased Use of Off-Highway Vehicles*. June 2009. GAO-09-509.

“...studies on the impacts of OHV use indicate that soil damage can increase erosion and runoff, as well as decrease the soil’s ability to support vegetation. Additionally, research has shown that habitat fragmentation from OHV use alters the distribution of wildlife species across the landscape and affects many behaviors such as feeding, courtship, breeding, and migration; habitat fragmentation can also negatively affect wildlife beyond the actual amount of surface area disturbed by roads. In 2007, the U.S. Geological Survey reported that as a result of OHV use, the size and abundance of native plants may be reduced, which in turn may permit invasive or nonnative plants to spread and dominate the plant community, thus diminishing overall biodiversity.”<sup>6</sup>

I point out these impacts not to criticize OHV users—we all rely on motorized access to some degree—but to underscore the need for effective management in order to prevent harm to the land. When motorized use is confined to properly maintained roads and trails, concerns are limited. But where OHVs proceed with few restrictions, the damage can be severe. The Forest Service’s response to this management challenge was the Travel Management Planning Rule, finalized in 2005. The Rule instituted a management framework that would provide for motorized access while reducing impacts and minimizing user conflicts. The rule requires each National Forest to designate roads, trails and areas that are open for motorized use including decisions on where OHV use may occur. Each National Forest is required to publish a Motor Vehicle Use Map (MVUM) indicating those decisions, and motorized use is to be confined to those defined routes.

The Forest Service has nearly completed its Travel Management Plans. Over the past six years, these plans have been developed with extensive public involvement. While I am not here to defend the specific outcomes of each plan, which were the product of public processes and local input, it is important to recognize that Travel Management Plans are essential to an effective management approach that balances the various recreational uses of public lands and prevents ecosystem degradation.

Another important component of Travel Management Planning is the identification of the roads and trails that will make up the Forest Service’s network over the long term. Currently, the Forest Service lacks the resources to adequately maintain its system of roads and trails, and faces a maintenance backlog of \$8.4 billion nation-wide. Poorly maintained roads and trails reduce access and diminish sporting opportunities, for example by contributing large amounts of sediment into rivers and streams. Thus, it is sensible for the Forest Service to analyze its network of roads and trails and to determine the minimum system that can be sustained given available resources, yet still provide access without diminishing the quality of recreational opportunities such as hunting and fishing. Over time, the deterioration of the road and trail network due to inadequate resources for maintenance will present one of our major “roadblocks” to recreation.

In my experience, the quality of recreational experience is the most important factor for users of the national forests, and quality experiences are rooted in healthy, functioning ecosystems. For hunters, this may mean intact big game habitat. For anglers, it may

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<sup>6</sup> U.S. Government Accountability Office 2009.

mean clean, fishable streams. For OHV users, it may mean an interconnected system of well-maintained trails. Travel Management Planning is fundamental to achieving each of these ends.

As we look at the spectrum of outdoor recreation opportunities across the nation—from golf courses and theme parks to remote wilderness and solitude—the national forests and public lands provide a wide variety of recreation opportunities on this spectrum. For example, where else do the citizen owners of the national forests have free access to remote wild places to experience the land as our forefathers and Native Americans did? It is also important that we provide citizen owners with a broad spectrum of opportunities to access these lands, from motorized access for the physically impaired to remote wild places that provide solitude and some of the best trophy hunting and fishing in the world. The Forest Service recognized both the importance of recreation and the need to manage recreation in the context of multiple uses to achieve sustainability in developing its proposed planning rule.

The proposed rule defined sustainable recreation as “The set of recreational opportunities, uses and access that, individually and combined, are ecologically, economically, and socially sustainable, allowing the responsible official to offer recreation opportunities now and into the future.”<sup>7</sup> The proposed rule would require plans to include components to provide for sustainable recreation, and more consistent monitoring of recreational use trends.

Included in the proposed rule’s statement of purpose is to manage the National Forest System to “sustain the multiple uses, including ecosystem services, of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land.” This is essential. If the land is not healthy and productive, it cannot sustain multiple uses, including recreation, or the ecosystem services upon which we all rely. Furthermore, healthy watersheds are fundamental to the long-term productivity of the land. The planning rule should, in keeping with the origins of the national forest system and the mandates of the Forest Service Organic Act<sup>8</sup> and National Forest Management Act,<sup>9</sup> explicitly place water and watershed protection as the highest management priority of our national forests and grasslands.

Developing and implementing an effective planning rule has proven difficult over the decades since the passage of the National Forest Management Act. One of the issues I struggled with as Forest Service Chief is the disconnect between forest plans and the budget and appropriations process. After scores of public meetings, extensive data collection and rigorous analysis, and heightened public expectations, plans are not consistently implemented because of this disconnect. I urge public policy makers and the Forest Service to find a way to connect forest plans with the appropriations process so

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<sup>7</sup> U.S. Department of Agriculture, Forest Service, 36 CFR Part 219, *National Forest System Land Management Planning: Notice of proposed rulemaking; request for comment*, February 14, 2011.

<sup>8</sup> 16 U.S.C. § 551

<sup>9</sup> 16 U.S.C. § 1604(g)

that plan components, including the recreational components we are discussing today, more consistently translate into action on the land.

Former Forest Service employee and eminent wildlife ecologist Aldo Leopold once defined the “oldest task in human history” as “to live on a piece of land without spoiling it.” To fulfill Leopold’s vision we must all strive to become better stewards of our natural heritage. Stewardship of public lands means managing with an eye to the future, asking ourselves, “What will we want from this land in fifty years?” Unfortunately, short-term political cycles and pressure from interest groups who want a bigger piece of the pie resist this type of thinking. As we consider the regulatory approaches put in place by the Forest Service today, let us do so with an eye toward the future conditions that we desire for our public lands.

This concludes my statement. I would be happy to answer your questions.