

# REGION SEVEN

## **A Legislative Framework for Testing New Approaches to Public Land Stewardship**

Center for the Rocky Mountain West  
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### **Background**

The need to examine new approaches to public land management is steadily gaining broader recognition. Representative Scott McInnis in an oversight hearing before the Subcommittee on Forests and Forest Health this past December, referred to “a decision-making apparatus that is on the verge of collapsing under its own weight.” He echoed what former Secretary of the Interior Cecil Andrus had recently described as “the tangled web of overlapping and often contradictory laws and regulations under which our federal public lands are managed.” In testimony before Congressman McInnis’s subcommittee, Forest Service Chief Dale Bosworth referred to this phenomenon as “analysis paralysis.” Increasingly, such concerns are leading to proposals for carefully chosen experiments in new approaches to managing public lands. Here are just a few recent proposals for such experimental approaches:

- The U.S. Institute for Environmental Conflict Resolution, in response to a request from Senators Baucus, Crapo, Reid, and Thomas, has proposed pilot projects designed to test improvements in the implementation of NEPA through collaborative processes addressing federal lands and natural resource management.
- An October 2001 workshop on collaboration sponsored by the Claiborne Ortenberg Foundation and the Bolle Center for People and Forests proposed legislation to encourage alternative approaches to achieving the requirements of existing environmental laws, using collaborative strategies and pilot projects.
- In 1998, the Center for the Rocky Mountain West, along with the Bolle Center for People and Forests and the Northern Lights Institute, convened a symposium at the University of Montana’s Lubrecht Forest to discuss problems in the management of national forests. The group suggested the creation of a “Region 7” within the Forest Service—a non-geographic region that would allow a few national forests to serve as pilots to test ideas for collaborative governance structures and others mechanisms to provide regulatory flexibility.

- The Forest Options Group has proposed the implementation of pilot projects to test new approaches to both the governing and budgetary structures of national forests.
- The Idaho Federal Lands Task Force recently recommended the development of pilot projects to test new approaches to federal land management. The proposed projects would seek to maintain and enhance environmental quality while creating opportunities for more effective public participation in resource management decisions.
- The Valles Caldera Preservation Act, signed in July of 2000, designated 89,000 acres in northern New Mexico as the Valles Caldera National Preserve, for which a unique public land management approach was developed. A diverse, nine-member Board of Trustees will manage the preserve.
- Recently, the Bush administration announced a “Charter Forest” proposal as a response to the ongoing paralysis and gridlock on the National Forests. This proposal creates an opportunity for serious discussion about the problems of the current system and one possible way of dealing with these problems. The new plan calls for certain national forests or portions of them to be run on an experimental basis by such alternative governing structures as local trusts rather than the current management structure.

## **Need for Legislation**

While purely administrative initiatives can create some opportunity to test new approaches, there are severe limitations to how much of the problem agencies can address on their own. Bipartisan congressional support for experimentation would give the agencies clear authority and encouragement to test promising new approaches. The Valles Caldera legislation shows that Congress is willing to create new forms of governance over newly acquired federal land. There are strong reasons to authorize agencies to test equally innovative approaches on existing federal land.

## **Legislative Framework**

All of the proposals listed above contain elements that might contribute to a sound, legislatively authorized framework of experimentation. The challenge now is to combine the most promising features of these different approaches into a single framework.

In a letter to Forest Service Chief Dale Bosworth, Representatives Scott McInnis and Tom Udall suggested the possibility of Congress authorizing what they called an “open competition or request for proposals for pilots ... from local groups or communities working with nearby national forests or ranger districts.” They suggested that “a carefully selected and well balanced advisory committee” might play a significant role “in selecting pilots and evaluating their success. Selection criteria might include the capacity of the pilot to produce meaningful lessons and useful information, as well as the breadth, balance and credibility of the group making the proposal.” They suggested guidelines for the program, including pilots projects “created from the bottom up, not the top down,” that a “variety of approaches be tested,” and that a “credible mechanism” of evaluation be adopted so the project will be useful for “future policy development.”

This approach is consistent with the suggestion outlined above for the creation of a new “Region Seven” within the Forest Service. Because of past regional consolidation, there has not been a Region 7 in the National Forest System for several years. A newly created Region 7 could be based on experimentation rather than geography. The Lubrecht Conversions described it as a “virtual region” that would contain pilot project and experimental forests chosen from across the system in a nation-wide competition.

In order to learn as much as possible as quickly as possible, it is important to test a broad range of new approaches. The following list is not meant to prescribe the models that might be tested, but simply to suggest the possible range and variety of such models, which might include:

- Trust Model - The public land in question would be managed by a board of trustees, pursuant to a binding trust instrument;
- Budgetary Incentives - After some initial period of federal budgetary support, the experimental area would be expected to generate most or all of its own funds;
- Collaborative Governance Model - A collaborative group would be empowered to write and oversee implementation of a management plan for a national forest or BLM district;
- Collaborative Planning Model - A collaborative body would write the management plan, while existing public land managers would be charged with implementing it.

To encourage the development and careful testing of alternative approaches to public land management, the enabling legislation for Region Seven should:

- Establish a national competition for selecting promising projects;
- Establish an advisory committee to guide project selection and monitoring;
- Emphasize the experimental, adaptive nature of projects;
- Authorize and encourage projects across a range of administrative and geographic scales;
- Authorize the appropriate Secretary to waive specific rules or regulations which in view of the objectives of the proposed experiment would be inappropriate or unduly burdensome;
- Require monitoring of both process and outcome against established baselines;
- Require a cumulative record of project activities and outcomes; and
- Ensure broad dissemination of lessons learned.

The value of such an experimental approach is that it does not attempt to change the entire public lands system but it does recognize problems and invites and tests innovative solutions in a few carefully chosen settings.