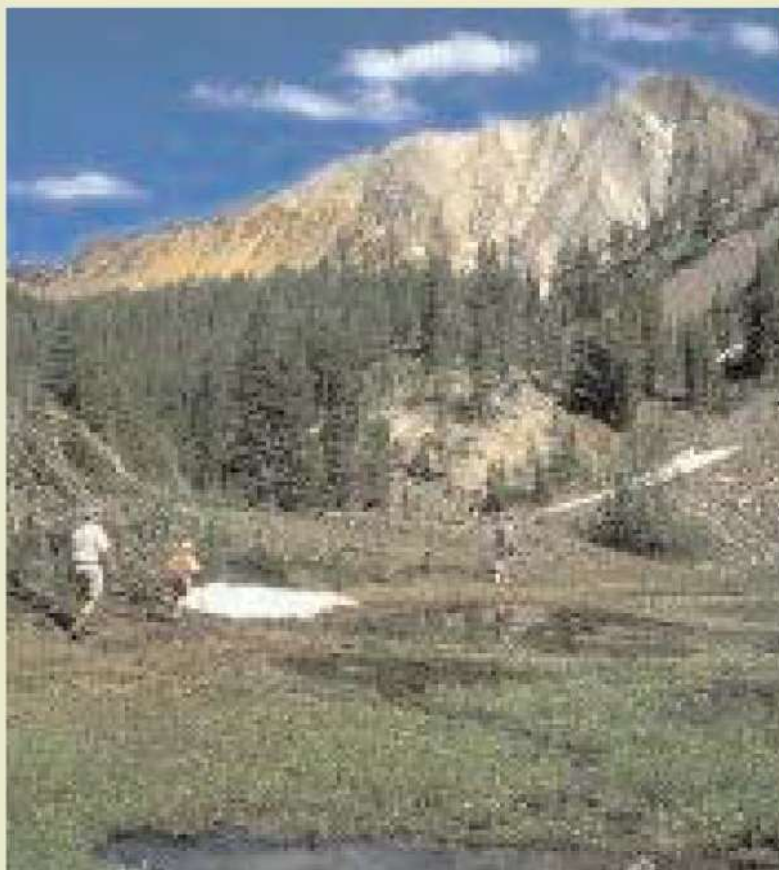


FROM
CONQUEST TO
CONSERVATION
OUR PUBLIC LANDS LEGACY



Michael P. Dombeck • Christopher A. Wood
Jack E. Williams
Foreword by Charles Wilkinson

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Chapter 5

Roadless Areas: The Last Wild Places

This country has been swinging the hammer of development so long and so hard that it has forgotten the anvil of wilderness which gave value and significance to its labors. The momentum of our blows is so unprecedented that the remaining remnant of wilderness will be pounded into road dust long before we find out its values.

—Aldo Leopold, “Why the Wilderness Society” (1935)

Few public land issues have elicited as much interest as a Forest Service proposal to protect unfragmented and roadless national forest lands from new road construction and most timber harvest. Dan Glickman, secretary of agriculture, signed the Roadless Area Conservation Rule on January 12, 2001.¹ The rule prohibits road construction and most commercial timber harvest on 58.5 million acres of national forests—about one third of the entire National Forest System. (See Figure 5-1.)

The Forest Service developed a protective strategy for roadless areas over a three-year period that involved more than six hundred local public meetings and a record-breaking 1.6 million public comments. Although the large

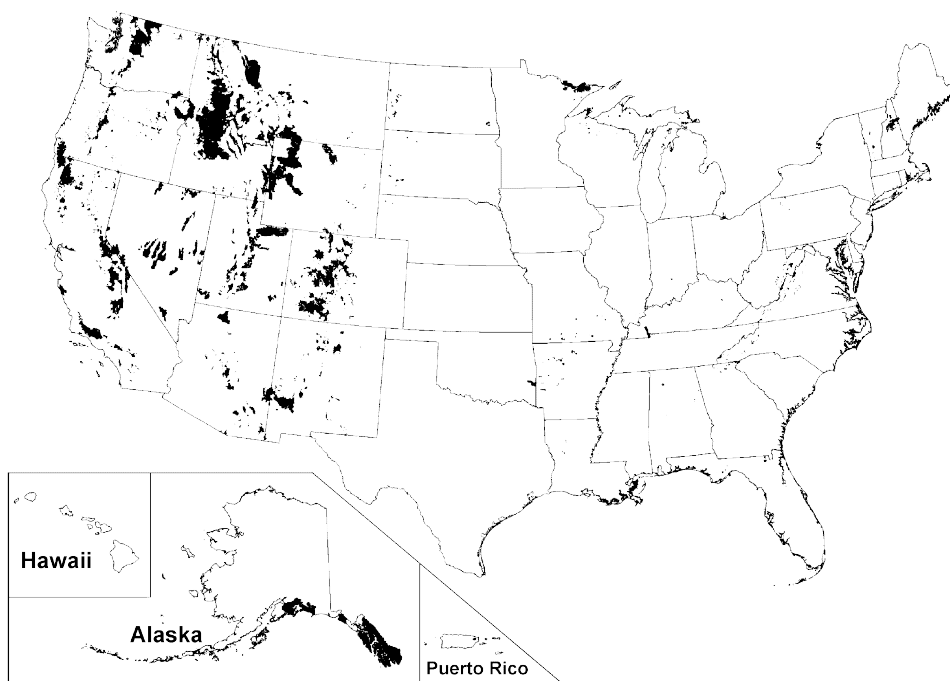


Figure 5-1. Map showing location of national forest lands with road building prohibited by the Roadless Rule.

majority of these comments took the form of postcards and form letters—and while it is true that such rules are not determined by vote counting—remarkably, more than 90 percent of public comments favored increased national protection of inventoried roadless areas.²

Keeping roadless areas roadless would cost less than two-tenths of 1 percent of the nation's timber demands from national forests. Oil and gas development in the entire National Forest System supplies less than one-quarter of 1 percent of the nation's energy, far less from roadless areas. Other uses such as grazing, hard-rock mining, and recreation are essentially unaffected by the rule. Although roads allow people to access public forests for recreation, only 33 miles of new roads in roadless areas were planned from 2000 to 2005 to support recreation opportunities.³

The economic effects of the rule, therefore, were minimal. The vast majority of roadless areas, for example, do not contain productive timberlands—only 8 or 9 million of the 58.5 million acres protected by the rule are considered “suitable for timber production” by the Forest Service, and even this amount is viewed by many as a very optimistic assessment. That a federal rule entailing such minor economic costs could generate such a huge

public response demonstrates that, like so many other conservation issues, the roadless area debate has more to do with values than with environmental protection or economic prosperity.

Behind the Great Debate

Local forest plans would have allowed new road construction in about 34 million acres of the 58.5 million acres of roadless areas. Attempts to build roads or otherwise develop these areas are among the most contentious issues faced by local forest managers. Litigation over road construction and commercial timber harvest proposals within roadless areas are the norm, not the exception. Roadless areas are often found at higher elevations with steep slopes and erosive soils—where timber values are generally low and road construction and environmental analysis costs are high. The vast majority of timber sales in such remote reaches cost taxpayers far more than they generate in receipts to the Treasury.

In 1926, prompted by Arthur Carhart, a young Forest Service landscape architect who believed that the Quetico-Superior region in Minnesota and other national forests should be kept in a wild state,⁴ the Forest Service inventoried all areas larger than 230,400 acres that were without roads. More than seventy-four tracts of land totaling 55 million acres were identified. Between 1924 and 1964, the Forest Service managed 9 million of these as wilderness areas.⁵

After passage of the Wilderness Act in 1964, the Forest Service began reviewing National Forest System roadless areas larger than 5000 acres to determine their suitability for inclusion in the National Wilderness Preservation System. A second review completed in 1979—known as Roadless Area Review and Evaluation II (RARE II)—resulted in another nationwide inventory that identified approximately 62 million acres of roadless areas larger than 5000 acres. Through RARE II, the Forest Service recommended that Congress add 15 million acres to the National Wilderness Preservation System, allocate 36 million acres to “nonwilderness uses,” and study nearly 11 million acres for further planning.⁶ Over the next twenty years, additional reviews and inventories were conducted.⁷ Congress passed wilderness legislation in states such as Oregon and Washington that protected some roadless lands and included “release language” that committed the remaining roadless areas to the forest planning process.

Because roadless areas are the last reservoir of future wilderness, proposals to build roads or sell timber in these areas always generate extreme controversy. Many forest supervisors—in order to avoid negative media

coverage and avoid the ire of the environmental community and some members of Congress—simply allowed staff proposals to build roads into remote areas to languish. And, as noted, building expensive road systems into remote roadless areas with low timber values generally costs more than the timber sales generated in receipts. With increasing public scrutiny leveled at below-cost timber sales, it was far easier for the agency to focus on the accessible timber.

Since the completion of RARE II in 1979, only about 2.8 million acres of the RARE II areas have had roads built within them to facilitate the harvest of timber and other extractive uses. Nonetheless, every year roadless-area timber sales would emerge—with names like Deadwood, Dome Peak, and Otter Wing that read as though they came from the title page of a Louis Lamour western novel. And every year the sales would enrage the environmental community and result in congressional intervention and negative publicity for the Forest Service. In an effort to end this cycle, Chief Jack Ward Thomas directed forest supervisors in 1995 to either remove roadless areas from the suitable timber base or commence plans for their harvest. Thomas was “convinced that continued concentration of cutting in higher site productivity lands would quickly come to a point where either timber yields would drop precipitously or the timber sale program would shift almost entirely into roadless areas identified in the ‘suitable timber base’ with an associated expansion of conflict.”⁸

Thomas was right. The agency’s timber sale program did drop precipitously in the early 1990s. His directive, however, was either ignored or failed to have the intended effect. In 1997, after years of congressional amendments to the Forest Service appropriations bill attempting to cut funding of forest roads, the House of Representatives came within a single vote of eliminating 80 percent of the Forest Service’s road budget. The sponsor of the amendment cited roadless area protection as a primary reason to cut the road budget. To some Forest Service leaders, the time had come for decisive action.

Why Roadless Areas Matter

National forest roadless areas comprise only 2 percent of the nation’s land base. Yet in an increasingly developed and urbanized landscape, the ecological and social value of these wild and unfragmented lands is immense. From 1978 to 1994, the proportion of private forest landowners owning less than 50 acres nearly doubled.⁹ An average of 3.2 million acres per year—8700 acres per day—of forest, wetland, farmland, and open space was converted

to urban uses between 1992 and 1997,¹⁰ twice the rate of development in the previous decade. As development of remaining privately owned open spaces, forests, and rangeland increases, the value of large unroaded tracts of public land becomes ever more apparent.

Focus Essay

A Dream for Healing the Kootenai

RICK BASS*

In the nearly 1 million acres that lie north of the Kootenai River, stretching up to and over into Canada, there are but fifteen little roadless cores remaining, wild gardens, and they are all as yet unprotected for the future. The Yaak is an intensely green and wet low-elevation ecosystem, a rainforest kind of place that possesses the violent, elegant topography of the northern Rockies while being graced with the heavy snows and rains of the Pacific Northwest.

The Yaak is a land of two identities, two stories—fire next to rot, stability next to disturbance, conifers next to broadleaves. Perhaps because of this duality, the valley seems destined to be a place of conflict, though it need not be.

Year after year, the Yaak has given up more timber than any other valley in Montana. Because the Yaak grows big timber, protection for its wildlands has always been traded away at the last moment, and even now, thirty-eight years after the passage of the Wilderness Act, there is still not a single acre of designated wilderness in the Yaak—despite the fact that from a standpoint of biological diversity, the Yaak is one of the wildest places in the lower 48.

The Yaak is home, still, to a Noah's Ark population of gray wolves, grizzly bears, lynx, bull trout, west slope cutthroat trout, Coeur d'Alene salamanders, inland redband trout, fisher, caribou, great gray owls, and bald eagles. Even if a thing is rare, or extinct elsewhere in the West, it is often still possible to find that thing in the Yaak—in one of those fifteen little gardens that we have failed to protect as wilderness.

*Rick Bass, the author of several books, is a wilderness activist living in the Yaak Valley, Montana.

Along with other conservationists up here, I keep clinging to our little dreams of peace and justice, hoping for some solution, some permanence, within an injured system on a wounded landscape. What must it be like for the land itself, this vast sheet of mountains and jungle spilling over into Canada: a land that has been so altered, so manipulated? In the last fifty years, the Kootenai National Forest has been converted to an overstocked landscape in which two-thirds of the forest is made up of trees measuring 16 inches in diameter or smaller.

There remains a wild spirit in this land, and it is that which I hope to help preserve. It is a spirit that is still found, as well, in the human inhabitants of this valley, and even though some of them hate or fear the future, and any notion of plans, or borders and boundaries, I admire them, even as they distrust me and my dreams, for we all share a love of this place.

Here is my dream. It's neither original nor bold, and it's constructed upon a protected system of leaving the best and strongest trees and taking only the weak and the crooked, the diseased and overstocked. It will take a hundred years of such practice for us to even crawl out of the hole we've been digging for the last fifty; in that regard, if no other, the dream is strong and patient: though again, it makes too much sense, and is too moderate, to be called anything other than common sense. I am ashamed of my dream's moderation. It is not revolutionary. It is as mild and tame as this landscape is rank and wild.

The dream advances the surety of permanent protection for the Yaak's roadless cores, giving us invaluable ecological leverage into the reservoir of Canada's wildness and genetic diversity.

Because of the Kootenai's great productivity—its low-elevation lands, its high precipitation—there would still be ample opportunity for fiber extraction. It just wouldn't be the kinds of fiber that industry has long been accustomed to pulling out of the Kootenai. The dream would instead be an experiment, a new way of doing business. Because of the Kootenai's moisture regime (as well as our sparse human population), it is here, too, that a pilot program aimed at increasing the amount of prescribed burning could be conducted most safely and cost-effectively.

How ironic that our reckless mistakes of the past have conspired to present us with such eminently achievable opportunity. If this is not a definition of grace, then what is? Undeserved bounty. Unexpected opportunity.

It might be naive, but when people can work together on a specific project—raising a roof beam, digging a ditch, repairing a carburetor—they come together in that shared language of the specific that is capable of binding them more tightly in a way that abstract philosophical discussions can

never approach. And in this binding, this knitting, I believe healing can occur, both on the land and in the community.

The Kootenai has always been last. Doesn't it make sense, for once, for it to be first?

Nationwide the land available for dispersed outdoor recreational opportunities such as hunting, fishing, and cross-country skiing is shrinking.¹¹ And it will continue to shrink as more private property is posted off-limits and development encroaches on the remaining open space. Roadless areas provide recreational opportunities in abundance—and unlike congressionally designated wilderness areas, the use of mountain bikes and other mechanized means of travel is often allowed in roadless areas unless otherwise prohibited by local agency planning. Such areas also take the pressure off heavily used designated wilderness by affording additional solitude, quiet, and dispersed recreation opportunities. Inventoried roadless areas offer other environmental benefits, too, such as clean drinking water. National forest roadless areas contain all or portions of 354 municipal watersheds contributing drinking water to millions of citizens. Maintaining these and other forested areas in an undisturbed condition saves downstream communities millions of dollars in water filtration costs.¹²

By limiting ground-disturbing activities that encourage noxious weeds and other exotic species, roadless areas serve as a bulwark against the spread of invasive species. Roadless areas also function as biological strongholds for native fish and wildlife species.¹³ Research from the Interior Columbia River Basin Assessment indicates that the most intact native fish communities are often associated with roadless areas.¹⁴ Areas with higher road densities, by contrast, are associated with declines in populations of bull trout, westslope cutthroat trout, Yellowstone cutthroat trout, and redband trout. Approximately 60 percent of roadless or low-road-density areas within the basin support strong salmonid populations. But less than 25 percent of areas with moderate road densities and 18 percent with high road densities possess strong populations of these species.¹⁵

Of the nation's species currently listed as threatened, endangered, or proposed for listing under the Endangered Species Act, approximately 25 percent of the animal and 13 percent of the listed plant species are likely to have habitat within national forest roadless areas. Roadless areas provide habitat for more than 280 threatened, endangered, and proposed species, including more than 65 percent of all Forest Service sensitive species.¹⁶

These statistics highlight the important role that roadless areas play in maintaining biodiversity. The numbers are remarkable given that roadless areas are most often found in the least biologically productive higher elevations—areas with more erosive soils and higher-gradient streams. Nonetheless, many conservation biologists believe that protection of the remaining roadless areas is the first step to reconnecting the headwater areas to the more biologically rich main-stem rivers and lower-elevation areas.¹⁷

The BLM is responsible for managing millions of acres of remote wild places possessing many of the same values as national forests. During the Clinton administration, Interior Secretary Bruce Babbitt established the BLM National Landscape Conservation System with the focus of preserving the social and ecological values and wildness of vast acreages of public lands. These lands, like roadless areas, were the subject of intense debate.

Focus Essay

The Heart of the West:
BLM's National Landscape Conservation System

BRUCE BABBITT*

The unreserved public lands administered by the Bureau of Land Management (BLM) have always been treated as leftovers, passed over by homesteaders and then ignored by conservationists as they high-graded what they considered to be the most desirable lands into national parks, forests, and wildlife refuges.

To me, however, the characteristic BLM lands are the essential, defining landscapes of the American West. These are the matrix lands, spaces that surround and protect the boundaries of our parks and forests. BLM lands are the connective tissue that sustains seasonal wildlife migration pathways across the land and maintains complex desert ecosystems. They provide the desert setting; the silvery sage vistas in which the crown jewels of our national parks sparkle even more brightly.

In 1996 as President Clinton pondered creation of a large national monument in southern Utah, I suggested that he break with tradition by design-

*Bruce Babbitt is a former secretary of the interior and former governor of Arizona.

nating the Grand Staircase Escalante as the first Antiquities Act monument to be administered by the BLM. He agreed, and then in the next four years he followed with another fourteen BLM monuments. They include the purple blooming ironwood forests of the Sonoran Desert, the mountain tributaries of the Grand Canyon, the last free-flowing stretches of the Missouri River, the unique species assemblage of the Klamath Siskyou, and the archaeological treasures of western Colorado and central Arizona.

Then in 1999, we gathered these monuments, together with congressionally legislated national conservation areas, into a new National Landscape Conservation System. My hope is that, by endowing the BLM with a high-profile conservation mission, the old bureaucratic mule will awaken to a new future as environmental steward right up there with the National Park Service and the National Wildlife Refuge System. The day is coming, I believe, when the BLM, so often stereotyped and dismissed as the Bureau of Livestock and Mining, will be better known as the Bureau of Landscapes and Monuments.

The BLM administers about 270 million acres of public land, of which less than 10 percent, about 15 million acres, has been designated for conservation status as monuments or as wilderness or conservation areas. This is a woefully inadequate figure. The protection goal for the next generation should be to protect half the remaining undesignated lands—for a round number, let's say an additional 100 million acres.

We could begin with the BLM lands that surround and protect our national parks, such as Centennial Valley alongside Yellowstone and the lands adjacent to Canyonlands, Great Basin National Park, and Carlsbad Caverns, to name just a few.

Our work in southern Utah remains unfinished. There are millions of acres yet to be protected, whether as monuments or as wilderness, in such spectacular regions as the San Rafael Swell, the Henry Mountains, the West Desert, and the Book Cliffs.

In southern Idaho, northern Nevada, and eastern Oregon the canyons of the Owyhee River and its tributaries meander across more than 5 million acres of pristine high desert country that rivals the Colorado Plateau in scenic splendor and ecological distinctiveness.

The BLM is also landlord of more than 80 percent of Alaska's North Slope—a 20-million-acre tundra plain that extends west from the Arctic Wildlife Refuge all the way to the shores of the Bering Sea within sight of Siberia. The great western caribou herd, more than 500,000 strong, the largest of all caribou herds, migrates across these plains. And it is here that the strings of sparkling tundra lakes provide summer nesting habitat for the spectacled eider, the snow goose, and myriad other species. Just offshore,

packs of bowhead whales migrate each spring from the Bering Sea up into Arctic waters. This area, overshadowed by the continuing struggle over the future of the Arctic Wildlife Refuge to the east, is threatened by road building, habitat fragmentation, and oil development. These lands should be officially designated as a national Caribou Commons to be protected in perpetuity for wildlife and for the subsistence needs of native Alaskans.

Everywhere in the West the BLM lands should be inventoried, prioritized, and protected for their role in maintaining the integrity of natural grasslands and riparian corridors and desert ecosystems. The lands of southern New Mexico and in the Great Basin of Nevada and Oregon come to mind as good places to begin. The remaining BLM lands in the Great Plains east of the Rocky Mountains should be examined for the appropriate site to begin restoration of the Buffalo Commons. A true Buffalo Commons, a place to restore not only the bison but the wolf, the grizzly, elk, antelope, prairie dogs, ferrets, and all the other sadly diminished creatures that once graced the High Plains, would not be a small undertaking. It will require a vision and a commitment on the scale of the restoration of the Everglades. There are large blocks of BLM short-grass prairie and national grasslands remaining in Montana, Wyoming, and the Dakotas that could provide the nucleus for High Plains restoration.

The BLM lands are the heart of the West. With the new National Landscape Conservation System, the door has been opened to a new public lands conservation future. But we still have a long way to go and a lot of land to protect—at least another 100 million acres.

The Forest Road System

Roads allow people easy access to the public lands they love. They also provide access for fighting fires and conducting other management activities. Proper road maintenance allows for continued safe public access to national forests and minimizes environmental impacts such as soil erosion. Road maintenance can range from keeping roads smooth, repairing bridges, and keeping culverts open for proper drainage to major reconstruction such as replacing smaller culverts with bigger ones able to withstand higher flows of water and more storm debris without washing out.

Roadways may also do harm. They can disrupt the hydrological function of a watershed, increase erosion, and result in greater roadkills of mammals, reptiles, and birds.¹⁸ Moreover, human-caused fires are far more likely to

occur in roaded areas than in roadless areas. Roads also create corridors of disturbed land that accelerates the invasion and spread of noxious weeds. The effort needed to build a road is temporary. But keeping the road in functional condition and environmentally benign—particularly in high-elevation areas with erosive soils—requires a long-term commitment of resources. In the thirty-five years between 1944 and 1979, the forest road system grew by 122,000 miles—from 100,000 to 222,000 miles. In the next six years, from 1979 to 1985, the road system grew by an additional 121,000 miles to a total of 343,000 miles. To maintain the high timber harvest levels of the previous decade, the Forest Service would have had to construct roads into more and more remote locations with generally steep slopes and more fragile soils.

The extensive road system was financed in large part by timber sales. In other words, responsibility for road work was assigned to timber purchasers as part of the timber-sale contract. This strategy reflected the belief by successive administrations, by the Forest Service, and by many in Congress that road construction in national forests created a public asset. In time, however, the strategy's flaws became apparent. At the peak of the timber program between 1984 and 1990, approximately 6 million acres of forest were logged. Much of this harvest came from the Pacific Northwest, where the Forest Service and BLM sought to "fill the gap" left by earlier harvest of old-growth private forests. The agencies sold some 4 billion board feet of public timber each year. Even with these unsustainably high levels of logging, by 1989 only 47 percent of forest roads were being maintained to standard,¹⁹ even though the Forest Service consistently requested higher road maintenance budgets than were allowed by the administration or funded by Congress.

By 1997, as harvest levels fell and timber purchasers assumed fewer and fewer road maintenance responsibilities, only 38 percent of the existing road system was maintained to the safety and environmental standards to which it was designed.²⁰ Even with the smaller timber program, the Forest Service had little choice but to continue to rely on timber sales to address its growing roads problem. Between 1992 and 1998, for example, more than 80 percent of all road reconstruction was financed through timber sale contracts.²¹

In hindsight, the shortcomings of this scenario are obvious. Without the ability to maintain high—unsustainably high—timber harvest levels, the Forest Service could not take care of its roads. Without adequate congressional appropriations, field managers were compelled to find other ways to maintain a deteriorating infrastructure and pay for employees and other projects. Many forest managers faced an impossible dilemma: arranging

timber sales that required the buyer to attend to some of the outstanding road reconstruction needs or watching roads fall into disrepair. With easy-to-access timber already harvested, the only option to meet timber targets was to sell timber in more remote areas. The agency was trapped in a catch-22. The status quo, of course, served certain interests. Many in Congress and the Office of Management and Budget in the executive branch were happy to see timber receipts used to defray road maintenance costs, because such receipts did not count against the agency's discretionary budget.²² For the timber industry, the status quo provided an incentive for forest managers to offer more timber sales.

The neglect of road maintenance is not simply a "timber issue." Recreation on National Forest System lands annually generates over \$25 billion in total economic output.²³ Failure to maintain forest roads poses perhaps the greatest risk of losing access to public lands for public enjoyment—due to the growing maintenance backlog, for example, between 1990 and 1998 some 9200 miles of forest roads became impassable to passenger cars.²⁴ As road maintenance needs are increasingly unmet, the cost of repairing roads increases at an exponential rate. So, too, do safety risks. In December 2000, the Forest Service determined that only 13 percent of all forest roads were in good condition and 50 percent were in "poor condition and pose immediate threats to public safety or environmental degradation."²⁵

Beyond the strong environmental benefits of protecting roadless areas, the fact that the maintenance backlog on Forest Service roads exceeded \$8 billion was a very good reason to call a halt to building new roads in roadless areas. Certainly no corporate or private landowner would continue to build new roads into undeveloped areas in the face of such an immense liability.

The Natural Resource Agenda

The initial public endorsement of an end to development in roadless areas occurred on February 25, 1997, when Chief Dombeck testified before the Senate Energy and Natural Resources Committee on the health of the national forests. This testimony came in the immediate aftermath of what has become known as the "Timber Salvage Rider." Enacted as part of an emergency supplemental appropriations bill in 1995, the Salvage Rider suspended certain environmental laws and citizen appeal provisions in order to expedite the harvest of dead and dying trees following severe wildfires. The Salvage Rider created a firestorm of controversy among environmentalists,

local communities, the timber industry, Congress, and the Forest Service. Testifying on the use of timber sales to promote forest health, the chief said: “The unfortunate reality is that many people do not presently trust the Forest Service to do the right thing. Until we rebuild that trust and strengthen those relationships, it is simply common sense that we avoid riparian, old growth, and roadless areas.”²⁶

At the time, some in Congress were debating changes in landmark environmental legislation such as the National Forest Management Act and the Endangered Species Act amid fears that the Forest Service had “lost its sense of mission.” As public values shifted and the Forest Service’s commodity production emphasis between 1970 and 1990 began to conflict with environmental laws protecting rare species and clean water, many argued that the agency was adrift. Retired employees lamented the loss of the Forest Service’s sense of esprit de corps. Current employees complained about not knowing what their priorities should be. Some alleged that the mission of the agency was confused. They attributed this “confusion” to conflicts among environmental laws, shifts in social values, and the implementation of the Endangered Species Act.

The General Accounting Office endorsed that sentiment. At the February 1997 hearing, the General Accounting Office reported: “The Forest Service’s decision-making process is broken and in need of repair.” Their report went on to say that “disagreement over the Forest Service’s priorities, both inside and outside the agency, has not only hampered efforts to improve the efficiency and effectiveness of its decision-making but also inhibited it in establishing the goals and performance measures needed to ensure its accountability.”²⁷

Some in the Forest Service did not believe that the laws needed to be amended. It was the agency’s leadership, they said, that needed to clarify its priorities. One of the enduring dilemmas of multiple-use management is that it tends to create organizational functionalism—with all of the range, timber, fish and wildlife, and recreation specialists regarding their own programs as paramount. But if everything is a priority, there is no clear direction.

In the fall of 1997, the chief convened a meeting of senior agency leaders in St. Paul, Minnesota, to examine the priorities of the Forest Service. What flowed from this meeting eventually became known as the Natural Resource Agenda.²⁸ The agenda emphasized four topics: watershed health and restoration; ecologically sustainable forest and grassland management; recreation; and roads.

No New Roads?

Around the same time, senior policy staff in the chief's office began to discuss the idea of suspending new road construction in roadless areas until long-term road management reforms were initiated and a strategy was developed to protect roadless areas. In the face of withering congressional criticism about the lack of accountability in the Forest Service,²⁹ the concept of calling time-out on new road construction into roadless areas seemed obvious. How could the agency legitimize efforts to build new roads into pristine areas when it was getting less than 20 percent of the road maintenance funding it needed and carrying an \$8.4 billion maintenance backlog?

In January 1998, the chief proposed suspending new road construction into most roadless areas, and assigned a team to oversee scientific and social analyses. The temporary suspension of new road construction was finalized in February 1999.³⁰ The new policy prohibited new road construction into inventoried roadless areas for eighteen months with the exception of forests that had recently revised forest management plans such as Alaska's Tongass National Forest and Pacific Northwest forests amended by the Northwest Forest Plan. Although the exemption of the Tongass and the Northwest Forest Plan drew harsh criticism from environmentalists, the moratorium was praised by others.³¹ The response of some in Congress was less sanguine. In the context of a letter known to Forest Service employees as "the salvo of the Four Horsemen of the Apocalypse," Senators Frank Murkowski (R-Alaska) and Larry Craig (R-Idaho) and Representatives Don Young (R-Alaska) and Helen Chenoweth (R-Idaho) threatened to cut the agency's budget to a "custodial" level because the Forest Service was not harvesting as much timber as they liked and seemed "bent on producing fewer and fewer results from the national forests at rapidly increasing costs."³²

Although the "Four Horsemen" letter was criticized as a "triumph of irrationality"³³ and a "schoolyard threat to take their football and go home,"³⁴ it demonstrated the frustration of those who represented commodity interests. With Congress unable to pass new legislation or otherwise resolve the controversy, with litigation determining more and more how national forests would be managed, Forest Service leaders believed it was up to them to resolve the issue.

A New Road Policy—or Long-Term Protection?

The road moratorium was designed to provide a time-out while a new long-term forest road policy was developed. The Forest Service received 119,000

public comments on the moratorium—at the time, the second largest in the agency’s history—the vast majority of which called for the Forest Service to ensure “permanent protection” of inventoried roadless areas.

The road moratorium energized the environmental community. Accustomed to fighting agency projects, they found the roadless issue brought together local and national conservation groups in common cause: the long-term protection of roadless areas. Polls demonstrated nationwide support for roadless protection, and ad campaigns charged the chief and the president to develop a regulation that not only addressed the Forest Service’s road problems but also protected roadless areas permanently.³⁵

Moderate Republicans involved in the annual budget debates over forest roads in Congress also weighed in. Congressman John Porter (R–Illinois), the sponsor of the House appropriations amendment that came within a vote of cutting 80 percent of the forest road budget back in 1997, now expressed his “pleasure” that the Forest Service “is presently working on a forest road reform effort that I hope will obviate the need for future such debates in Congress.” Anticipating the roadless issue, Porter suggested that the Forest Service “severely curtail new road construction in roadless areas system-wide until they have a better understanding of the ecological consequences and can afford to better manage the existing road system.”³⁶ After the moratorium the agency’s road budget, reversing years of decline, began to increase. The moratorium separated the issues of roadless area protection from the need to reform management of the 386,000-mile road system.

Agency leaders debated whether to focus the long-term road policy exclusively on road management or to combine road management issues and roadless area protection. Telegraphing the agency’s direction, on July 1, 1998, the hundred-year anniversary of Gifford Pinchot’s first day as a public servant, Chief Dombeck sent a letter to all employees on conservation leadership:

To me, a conservation leader is someone who consistently errs on the side of maintaining and restoring healthy and diverse ecosystems even when—no, especially when—such decisions are not expedient or politically popular. . . . For example, our proposed suspension of road construction in roadless areas will help us develop not only a science-based long-term road policy but one that also reflects the values that society places on wild places, old growth, wilderness, and on intact and unfragmented landscapes. . . . We need to do a better job talking about, and managing for, the

values that are so important to so many people. Values such as wilderness and roadless areas, clean water, protection of rare species, old growth forests, naturalness—these are the reasons most Americans cherish their public lands.³⁷

After the road moratorium was finalized in February 1999, the chief's office and White House staff discussed long-term options for protecting roadless areas and the agency's desire to resolve the seemingly intractable debate. Such meetings angered some in the Republican majority on Capitol Hill—prompting numerous congressional information requests of meeting notes, diaries, e-mail and other correspondence, and hearings and investigations over the “inappropriate White House interference in the roadless issue.”³⁸ The Society of American Foresters went so far as to inform the chief that his continued membership in their organization would depend on the outcome of their “ethics investigation” into his involvement in the roadless area issue. None of these investigations discovered any infractions of law or ethics.

But not everyone was happy within the Forest Service, either. In 1998, some five hundred employees, mostly field level, signed a letter asking the chief to protect roadless areas. Others in leadership positions, however, were uncomfortable with both the trajectory of the policy and the chief's relationship with the administration. Typical of these concerns was a letter to the chief from a recently retired forest supervisor that said: “You are coming across like the purist [*sic*] of pawns of this Administration, and not a leader of a longstanding natural resource agency who's [*sic*] guidance has been provided by Congress. Past leaders understood the role of working with an Administration and not being rolled over by it.” The letter went on to chastise the chief for “not emphasizing and leading the Forest Service in a mandated multiple use fashion.”

The charge the chief's office worked too closely with the executive branch was somewhat ironic. The first chief of the Forest Service, Gifford Pinchot, enjoyed a personal and professional relationship with President Theodore Roosevelt that led to a dramatic expansion of the forest reserves—a move that was widely criticized by western congressmen at the time. Nearly a century later, the fact that the administration of George Herbert Bush ignored findings of the Interagency Scientific Committee (headed by Jack Ward Thomas) findings urging the protection of northern spotted owls and the old-growth ecosystems on which they depend, turned the issue into a political football for those seeking to overturn the Endangered Species Act and

others seeking to use it to shut down the timber sale program in the Pacific Northwest.

F. Dale Robertson, chief of the Forest Service (1987–1993) throughout the spotted owl controversy, offers a unique perspective on utilizing the president’s bully pulpit to advance public lands conservation. As President Bush was preparing to address an international environmental conference in Rio de Janeiro in 1992, Robertson received a series of anxious phone calls from William Reilly, then head of the Environmental Protection Agency and a former leader of the World Wildlife Fund. Reilly was concerned that the United States would be embarrassed in Rio by complaints from environmentalists and Democratic senators that clearcutting remained standard practice on public forest land in the United States. Robertson, who perhaps unfairly has borne the brunt of criticism for the Forest Service’s response to the northern spotted owl/old-growth forest imbroglio in the Pacific Northwest, wrote a policy statement for the president announcing that clearcutting would be phased out as a standard practice. “Ecosystem management” would be the new objective for national forests. The announcement headlined the national news the next day. Later in an interview, Robertson said:

[After the announcement was made] my phone was ringing again from industry, “what in the world are you doing, Chief?” Of course, I caught them by surprise. I caught everybody by surprise. But it was my one chance to get a major policy decision with the President’s signature and settle all the debate. So Bush went down there and incorporated [the policy statement] into his speech in Rio, that we’re changing major policies in managing our national forests.³⁹

Years later, senior staff in the chief’s office argued similarly for presidential involvement in helping to split the protection of inventoried roadless areas from development of a road management policy. Meetings were held with the White House to discuss the issue. At every decision meeting with the chief and his senior policy advisers, the chairman of the Council on Environmental Quality, George Frampton, and when present, White House Chief of Staff, John Podesta, would begin by asking: “How does the Forest Service want to proceed?”

There are distinct advantages and disadvantages to presidential involvement in an agency initiative. Bureaucratic infighting and process delays are part and parcel of all federal rulemaking. With White House support,

however, they are quickly moved aside. Key issues in the Roadless Rule, for example, were discussed with an interagency group that included the Fish and Wildlife Service, the Environmental Protection Agency, the Small Business Association, the Office of Management and Budget, and other federal agencies.⁴⁰ These meetings sped up a White House clearance process that could have resulted in interminable delays. But Presidential involvement also heightened the political stakes dramatically—and hence opposition from those who opposed the president for political or personal reasons.

Federal agencies routinely undertake initiatives that drag on for years, even decades. With the White House investing significant political capital in its success, not completing the Roadless Rule was never an option for the Forest Service. One thing is certain. Without the active interest of the president and his staff, the roadless issue would no doubt have languished in controversy—flummoxing field managers and stalling completion of other priorities.

The Roadless Rule

On October 13, 1999, a crystal clear day with the George Washington National Forest's Reddish Knob roadless area as a backdrop, President Clinton spoke to the nation about the value of roadless areas. The president said: "Within our national forests there are large parcels of land that don't contain roads of any kind. . . . These areas represent some of the last, best, unprotected wildland anywhere in our nation." Then the president directed the Forest Service to develop options for protecting roadless areas:

I have determined that it is in the best interest of our Nation . . . to provide strong and lasting protection for these forests. . . . Specifically, I direct the Forest Service to develop, and propose for public comment, regulations to provide appropriate long-term protection for most or all of these currently inventoried "roadless" areas.⁴¹

Within days of the president's announcement, the Forest Service initiated the process to begin development of the regulation. More than 16,000 people attended 187 "scoping" meetings that elicited more than 517,000 responses and helped the Forest Service to determine what issues should be analyzed to develop a final rule. Opponents of the effort faulted the agency because maps detailing all of the inventoried roadless areas were not immediately available, and hundreds of requests for an extension of the comment period were received. The Forest Service opted not to grant an extension,

however, because opportunities for public comment would follow release of a draft plan in subsequent months. Moreover, at the time the Forest Service did not know what areas would be included because it had yet to develop any alternatives for public review. Once the alternatives were drafted and the analysis was released for comment, maps of all roadless areas were posted on a Website and made available to the public.

A team of Forest Service employees led by a forest supervisor was brought in to conduct the analysis required for the environmental impact statement. Wishing to avoid unnecessary bureaucratic delays, the analysis team was structured under the Incident Command System—a scheme used to manage large wildfires. At the group's first meeting a decision-making structure was developed that ensured all policy decisions would be quickly reviewed and answered by the deputy chief for National Forest Systems, the associate chief for natural resources, and the senior policy adviser to the chief. Decisions needing the chief's or Secretary Glickman's involvement were not allowed to languish. Critics allege that typical agency rulemaking takes many years to complete—if indeed ever it reaches fruition—and that the Roadless Rule was developed at top speed simply to have it completed before the 2000 presidential elections. In fact, this was not an insignificant factor for Forest Service leaders. Clearly the Clinton administration wanted the rule to be finished under the president's watch, as it was he who directed its initiation.

The Forest Service team retained control of the rulemaking process by working directly with the chief's office for decisions and the precise wording of the rule. They were assisted with comments from those associated with the project, upper agency management, and the agency's regulations and directives office. This separation of the rule writing from the socioeconomic and environmental analyses helped to maintain the team's objectivity by insulating them from the political debates and extensive staff work that accompany such controversial issues.⁴² The team, many of them away from home for extended periods, conducted a detailed analysis and review in a short time—dispelling the notion that large-scale conservation initiatives inevitably result in endless study and review.

Public debate moved quickly from the issue of roads in roadless areas to the protection of roadless areas for their inherent values. This became clear when the Forest Service released its draft environmental analysis and proposed to end new road construction in roadless areas but did not address logging and application of the rule to Alaska's Tongass National Forest. Under the proposed rule, a decision on the Tongass was postponed until the regularly scheduled forest plan review in 2004. Environmentalists were angered that timber harvest was not banned from roadless areas and that the Tongass

was not included in the proposal. Off-road vehicle users were concerned that a provision of the proposed rule calling for identification of roadless values could block their access and use of roadless areas. The timber industry argued that roads were needed for forest health. Each interest put its own “spin” on the issue.

Public comment on the proposed rule was overwhelming. More than a million comments were received—most on pre-addressed, printed postcards from environmental groups. Although the majority of citizen comments from every state except Idaho favored increased protection of roadless areas,⁴³ the response from state governments depended on demographics. Officials representing rural counties adjacent to public lands generally thought they should be able to build roads or harvest timber for either commodity production or forest health reasons. Officials from urban areas wanted to see roadless areas protected for their values as unfragmented landscapes, scenic beauty, recreation opportunities, or sources of drinking water. The comments from elected officials in the state of Washington are representative of this trend. The governor of the state, as well as King and Spokane counties and the Seattle City Council, all called for increased protection of roadless areas while rural areas such as Stevens County, the City of Forks, and the City of Port Angeles were opposed.⁴⁴

Concerns were raised about the effect of the proposed rule on public access, forest health, energy supplies, and fire management. In response, the final rule guaranteed legal access to state and private inholdings. No existing roads would be closed. Existing off-road vehicle access was ensured, and future decisions on public access were left to the forest planning process. Exemptions were provided allowing road construction for human safety reasons and for firefighting. And, in response to concerns about energy supplies, roadless areas presently under lease to oil and gas companies were essentially exempt. The two thorniest issues were timber harvest and whether the rule applied to the Tongass National Forest. Public comment was overwhelmingly in support of including the Tongass and applying the strictest protections possible to roadless areas. Surveys conducted by Republican pollsters affirmed that public comment broadly reflected public sentiment.⁴⁵

Politically, the Tongass was vexing. Alaska’s powerful congressional delegation—including Ted Stevens (R), chairman of the Senate Appropriations Committee, Frank Murkowski (R), chairman of the Energy and Natural Resources Committee, and Don Young (R), chairman of the House Resources Committee—was strongly opposed to the Roadless Rule. Moreover, the Tongass had recently begun implementation of an expensive new forest plan that had taken more than a decade to complete. From a substan-

tive perspective, however, the Tongass was the easier of the two issues. The Tongass contains nearly one-quarter of the world's intact temperate rainforests. The Forest Service could not reasonably call for protection of fragmented roadless areas in the lower 48 while leaving unprotected the one national forest where they existed in abundance—especially while other nations were being criticized for cutting rainforests. Not only that but the Tongass road system was in notoriously poor condition. A joint Forest Service and Alaska Fish and Game study reviewed the condition of 60 percent of the permanent roads in the Tongass and found that “sixty-six percent of the culverts across anadromous streams (Forest Service Class I streams) are assumed not to be adequate for fish passage. Eighty-five percent of the culverts across resident fish streams (Forest Service Class II streams that naturally do not support anadromous fish) are assumed not to be adequate for fish passage.”⁴⁶

Fiscally, the Tongass fared little better. In fiscal year 1998, for example, due to costs associated with logging and road building in the remote forest, the Tongass lost nearly \$30 million in selling public timber—about 30 percent of the money lost on the entire national-forest timber sale program that year.⁴⁷ That timber sales cost more to prepare than they generate in revenues is not always inappropriate. Sometimes the sales can be used to accomplish broader stewardship objectives. In such cases, the timber sale is simply a means to achieving a larger management goal. In the Tongass, however, all of the timber sales are “commodity purpose,” that is, their primary purpose is to sell public timber (in this case, at a loss) for private profit.

Whether or not to prohibit timber harvests, struck at the core of the Forest Service. Since the proposed road moratorium, in light of the \$8.4 billion road maintenance backlog, the fiscal arguments for ending new road construction in roadless areas had begun to take hold within the agency. Limiting timber harvest, however, as countless public comments called for, compromised strong beliefs among many forest supervisors and field managers that they themselves should retain maximum discretion in planning timber sales. Moreover, some agency personnel disputed the roadless initiative's apparent intent to override locally developed forest plans. Several of the agency's regional foresters said that in light of the public response, the new rule should address timber harvest in some form, otherwise people would regard the public comment period as a sham. However, no regional foresters supported an alternative that would prohibit all forms of vegetative management and timber harvest in roadless areas. Intense pressure was brought to bear on the Clinton administration by the environmental community—many of whom wanted roadless areas left untouched so they might qualify for

future wilderness designation. On the other side, the timber industry argued that without timber sales, roadless areas would be subject to insect and disease outbreaks and catastrophic wildfires due to decades of fire suppression.

The Forest Service's senior leadership believed that banning all timber harvest would eliminate management tools that could be used to restore forest ecosystem health and lessen the risk of unnaturally intense fires. This rationale did not apply to road construction, however, because it made little sense to trade a potential remedy for one liability—building roads to facilitate forest thinning—in a way that would certainly increase another liability: the road maintenance backlog.

The priority for fuel reduction, however, was not remote roadless areas. It was in places where communities and forests intersect. And these, by definition, are not typically remote roadless areas. Thus the agency decided to allow the harvest of “generally small-diameter” trees for clearly defined circumstances. Permissible under the rule were forest thinning projects to reduce fuel loads so long as they did not require new road construction. Similarly, the cutting or removal of small-diameter trees was permitted if it was essential for recovery or conservation of threatened, endangered, proposed, or sensitive species. In all cases, the rule made it clear that cutting, selling, or removing small-diameter trees would be rare and consistent with preserving the ecological values of roadless areas.

Upon taking office in January 2001, the new Bush administration suspended implementation of the Roadless Rule and a series of other federal environmental measures that had recently taken effect. Later, the administration's unwillingness to defend the rule against lawsuits brought by industry users and several western states prompted the Forest Service chief to express his disappointment with the lackluster legal defense of the Agriculture and Justice departments. Chief Dombeck wrote:

The Forest Service recently concluded nearly two years of analysis and public process, involving over 600 public meetings and 1.6 million comments—over 90 percent of which supported roadless area protection. I understand that the Department may have political motives for not supporting the protection of roadless areas. I hope, however, it would have the integrity to act in a more open and forthright manner than that displayed by the Administration's legal filings last week.⁴⁸

Days later, Dombeck stepped down as head of the Forest Service. Eventually the Roadless Rule was enjoined by a district court in Idaho and appealed to

the Ninth Circuit by environmental groups and others. The administration did not defend against lawsuits or appeal the injunction. The new chief of the Forest Service, Dale Bosworth, serving under President Bush, opted to make all decisions to build roads or harvest timber in roadless areas subject to his or a regional forester's approval. Once forest plans are amended or revised, the fate of roadless areas would once again be determined on a local basis through forest planning.

Critics may disagree with the Roadless Rule because it deviates from their own values. But, unlike some past efforts, in this case the public process was not used to forestall or obfuscate. Instead the Forest Service allowed public sentiment and sound science to shape the outcome of the rule—and in the process affirmed the value of public opinion in management of public lands. Many critics allege that the Roadless Rule illegally circumvented the NFMA planning process. Ultimately the courts or the political appointees that oversee the Forest Service may well determine that the rulemaking process was flawed. But such determinations will not diminish the national desire to keep these last undeveloped areas intact.

The Roadless Rule was part of a conscious effort to demonstrate that the Forest Service would not shy away from such controversies as clearcutting or northern spotted owl/old-growth protection that have dogged, and come to define the agency for many people. Regardless of legal and political wrangling, the era of road building in the Forest Service has come to an end. The Roadless Rule publicly formalized what had become a reality—a reality that some still refuse to accept, however, despite overwhelming public support and economic and scientific rationale.

Decades of controversy over such issues has bred a culture of cynicism regarding public land management—a mistrust that pervades Congress, public land managers, local communities, the media, and interest groups. One reason for protecting roadless areas was to end the cycle of contention, distrust, and litigation that had plagued multiple-use management of public lands for two decades or more. The Bitterroot and Monongahela clearcutting controversies and the northern spotted owl imbroglio make it clear that allowing long-standing contentious issues to simmer ends up limiting policy options and narrowing the decision space for agency leaders.

A willingness to exert leadership over festering national controversies and rebuild public trust is essential to breaking the cycle of controversy that has beset the Forest Service and BLM for decades. As Undersecretary James Lyons said: “In the absence of adequately addressing the roadless issue, it is questionable whether the public would support other actions needed to restore healthy, diverse, resilient, and productive national forests and grass-

lands.”⁴⁹ Perhaps the most painful lesson the Forest Service learned between 1970 and 2000 is that thorny issues such as old growth, clearcutting, and roadless areas do not get any easier through delay or by forcing local managers to attempt to resolve national controversies on a forest-by-forest or project-by-project basis.

The Roadless Rule offered a rare opportunity to mesh a science-based solution that was good for the land with overwhelming public support for protection. For natural resources with national significance such as roadless areas, the forest planning process (and the inescapable political pressures built into it) is often an inadequate tool for balancing the national interest against local demands. Political elections occur every four years or so. But roadless areas—and their wildlife and fish habitats, their clean drinking water, and their opportunities for an urbanized nation to reconnect with nature—transcend such time frames. As the writer Ian McTaggart Cowan once said: “In our militant enthusiasm to throw back the wilderness and open up this continent for man, we have been so far successful that we are about to destroy a part of us that is as indispensable as it is irreplaceable.”⁵⁰

Innovation and development helped make this nation great. In the final analysis, however, it is respect for our lands and waters—the sort of humility that allows roadless areas to persist—that will sustain us and allow us to endure.