

An April 1997 Government Accounting Office report (GAO/RCED-97-71) suggested that improving U.S. Forest Service decision-making is contingent on establishing long-term strategic goals that are based on clearly defined mission priorities. The following article reviews the 100-year history of the enabling legislation for national forest management and suggests the role of Congress and the American public in providing a national consensus about the optimum use and management of the national forests.

NATIONAL FORESTS *and the* PERFORMANCE *of the* ORGANIC ACT OF 1897

Last year marked the centennial anniversary of the Organic Act of 1897. It provided the first policy guidance for the management of the national forests (Forest Reserves before 1907) which totaled 38 million acres at that time. A hundred years later, in 1997, they were 192 million acres and made up almost

one-twelfth of the lands and waters of the United States. How well have those initial policy purposes and management guidance served the Nation and the national forests?

Today, we can safely say that the national forests remain resilient and responsive to management. Though their ecosystems are altered and old resource use and management challenges have given way to new ones, the value of national forests has increased and public preferences about how they

should be managed have slowly, but dramatically changed. Taking account of their commercial value, amelioratory benefits, and amenity values to society; their benefits and services have never been greater than they are today. They are serving more people with greater value than ever before. Yet, today's debate about the proper use and management of the national forests appears to be as intense and controversial as the national debate surrounding their creation and

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management a century ago, or even more so. Indeed, how well has the Organic Act served the Nation and national forest management; what have been its strengths; what have been its shortfalls?

EMERGENCE OF THE ORGANIC ACT IN 1897

The Organic Act marked the culmination of several decades of discussion and debate at the national and regional levels about the proper disposition, use, and management of Public Domain forested lands. The dominant national policy emphasis during the latter half of the 19th Century was disposal of public lands for use, development, and settlement. By the 1890's, large portions of the public domain had been transferred to railroads, states, and individuals.

The debate about publicly managed forests fell into three broad themes. One advocated preservation or reservation of public forested lands with either no or restricted use. Another emphasized continuing the tradition of easy access or acquisition and unregulated, largely free use of the public lands and resources. A third theme focused on what may be viewed as a middleground of "wise use" through Federal reservation and management.

These issues and debates were aggravated by the passage of the Creative or Forest Reserve Act of 1891 which gave the President the authority to proclaim forest reserves, but made no provision for their use and management. Under the implementing regulations, notices were published in local newspapers and posted on Forest Reserve boundaries in 1894, stating that:

All persons are hereby warned not to settle upon, occupy, or use any of these lands for agricultural, mining, or other business purposes; nor to cut, remove, or use any of the timber, grass, or other natural products thereof, except under such regulations as may hereafter be prescribed.

Thus, the resources of the first national forest reserves were literally "off-limits and their resources . . . locked up." Among others, livestock graziers, the predominant users, were particularly infuriated by such restrictions and opposed the establishment of the reserves.

By September 1893, Presidents Harrison and Cleveland had proclaimed 17 forest reserves, totaling 18 million acres, but in that year President Cleveland decided to stop creating any more reserves until Congress could provide guidance for managing them. The McRae Bill (H.R. 119) addressing the use and management of the forest reserves was introduced in Congress in late 1893, but did not pass. No more reserves were established until 1897, when on February 22nd, as his term was expiring, President Cleveland proclaimed or expanded 13 more reserves, totaling 21 million acres—more than doubling the total area of Federal forest reserves. His action raised a new furor of western opposition to the new reserves and Congressional pressures on the new President, William McKinley, to rescind the proclamations. He did not!

The Organic Act emerged from this 1897 confrontation. It was enacted on June 4, 1897 with wording very similar to that

of the 1893 bill. It established the purposes of national forests and their management guidance with this statement:

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States; but it is not the purpose or intent of these provisions, or of the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

The Act further permitted the use of timber and stone, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes. The Act also provided for the use of "all waters . . . for domestic, mining, milling or irrigation purposes under the laws of the State" and rights-of-way were granted to settlers for access to in-holdings, wagon roads, irrigation canals, ditches, flumes, and reservoirs.

The original language of the Act also specifically directed that "dead, matured and large growth timber" could be harvested and sold "For the purpose of preserving the living and growing timber and promoting younger growth. . .," but such timber had to be "marked and designated" and the harvest supervised by persons "not interested in the purchase and removal of such timber."

The Secretary of Agriculture (Secretary of the Interior before 1905) was also directed to protect the public forests against destruction by fire or depredation and make rules and regulations for their "occupancy and use and to preserve the forests thereon from destruction." This general provision delegated authority to permit other uses of national forests such as grazing, recreation, and wildlife consistent with the direction to "improve and protect" the forests.

THE LONG-TERM STRENGTH OF THE ORGANIC ACT

The Congress, through the Organic Act, encouraged the use of the national forests and their resources as it directed their protection and improvement. In doing so, it clearly tried to accommodate the wide range of user interests; an apparent political objective or accommodation. It also sought to maximize the use value of the public domain lands by excluding those "more valuable" for minerals and agricultural production. The Act defined the purposes for establishing national forest reserves only in the very broadest terms. It, likewise, gave the broadest authority and discretion to the Secretary of Agriculture and his delegated managers, the Forest Service (the Secretary of the Interior and the General Land Office before 1905) to develop rules and regulations for the occupancy and use of the national forest reserves. It set no specific limits on use or users, leaving that up to the managers of the forests. In these respects, the Organic Act seems to have been closely attuned to the national policy and the regional interests for settlement and development of the West.

Viewed from today's perspective on environmental quality

and sustainable ecosystems, the Organic Act's greatest strength was in its direction to "improve and protect the forest," particularly for maintaining favorable waterflows and a continuous supply of timber. Although these first guidelines were very broad, they contained specific policy direction that put national forest management on a pathway toward an ecological approach to ecosystem and resource management.

The Act actually anticipated that timber harvesting would be followed by regeneration and would promote younger forests and encourage timber growth. Over the years, the forest cover has been maintained, although its structure has been considerably altered. National forest annual timber growth, net including mortality, is now at its highest level, 3.3 billion cubic feet, compared to 2.1 billion in 1952, and much less in earlier decades. In the early decades when range grazing was the most widespread use of national forests, resource managers gave priority attention to rehabilitating the rangelands which had been badly damaged by severe and extended droughts and overgrazing at the end of the 19th and the beginning of the 20th Century.

Big game populations on national forests were at their lowest levels when the Organic Act was passed and in the early decades of national forest management. All big game species have generally increased as a result of major improvements in state game laws and management, and restocking and habitat

improvements provided by national forest land managers. Hunting visitor day use rose from about 2 million in 1947 to 19 million in 1996. In response to changing public values during recent decades, particularly the emergence of the endangered species legislation, wildlife management on national forests has increased attention to nongame species. National forests have also generally sought to protect and improve fish habitats, especially in more recent decades. As a result, angler visitor day use on national forests rose from somewhat more than 2 million visitor days in 1947 to nearly 18 million in 1996.

Recreation use, including fishing and hunting, rose from a few million visitor days a year in the early years of the Organic Act to about 15 million by World War II. It then escalated spectacularly after the war, more rapidly than the exploding population growth, to 160 million in 1965 and 341 million visitor days in 1996. Visitor use diversified as much as it intensified. National forest managers were continually challenged to provide safe and sanitary facilities and adequate services for satisfactory visitor recreation experiences compatibly with other national forest uses. The wilderness concept for national forest use and enjoyment emerged in the 1920's and by 1941, the Forest Service had so designated 2.5 million acres. Today, there are 35 million acres of designated National Forest Wilderness, constituting 18 percent of all NFS lands.



U.S. FOREST SERVICE PHOTO

Recreation use rose from a few million visitor days per year in the early years of the Organic Act to about 15 million by World War II. This photo depicts camping in July 1938 at the Grout Bay campsite developed under a mature Jeffrey Pine stand that also served as winter habitat for bald eagles, on the San Bernardino National Forest, California.

