



# **NEW APPROACHES FOR MANAGING FEDERALLY ADMINISTERED LANDS**

**A Report to the Idaho State Board of Land Commissioners  
by the Federal Lands Task Force  
July 1998**

**Idaho State Board of Land Commissioners**  
Philip E. Batt, Governor  
Pete T. Cenarrusa, Secretary of State  
Alan G. Lance, Attorney General  
Dr. Anne Fox, Superintendent of Public Instruction  
J.D. Williams, State Controller

*President Theodore Roosevelt recognized in 1901 that the forest reserves established in 1891, now the national forests, were a good investment for the nation, and that their usefulness could be increased by "thoroughly businesslike management."\**

\*Gifford Pinchot. Breaking New Ground. (New York: Harcourt, Brace, 1947), 190.

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## Introduction

In 1996, the Idaho Legislature passed a bill authorizing the State Board of Land Commissioners, "To enter into a joint exercise of powers agreement with the United States Forest Service in the Department of Agriculture, pursuant to Section 67-2328, Idaho Code." In response to this action the State Board of Land Commissioners appointed a task force and charged them with examining alternative methods of federal land management in Idaho.

The Task Force consisted of people familiar with the management of federally administered lands, the management of state and private lands, issues affecting the various resources on these lands, and the potential impacts on the physical and economic environment of the use of these resources.

Beginning in October, 1996, the Task Force met in a variety of locations in Idaho and heard testimony from people representing a wide range of interests in federal



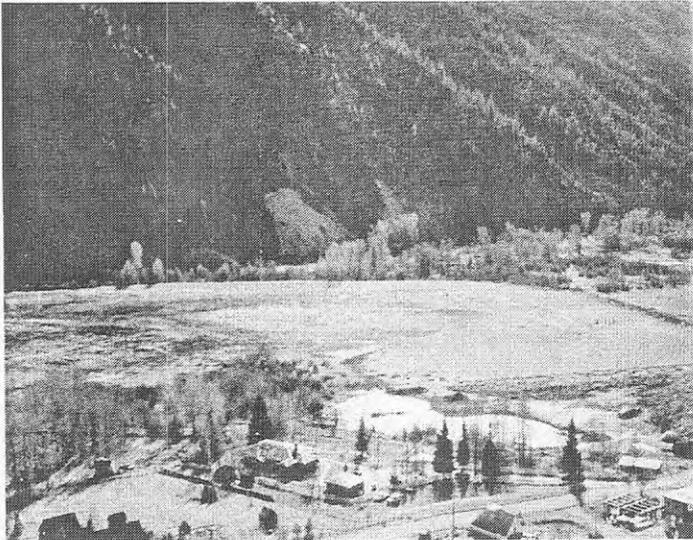
land management issues and concerns (Appendix A). Many of the people who appeared before the Task Force were federal land management agency employees. Without exception, these individuals were highly professional, with a deep-rooted interest in the land they were charged with managing, and concern for the effective operation of the agency they represented.



This report documents the activities and deliberations of the Task Force. It describes the alternative land management approaches considered, develops the framework of proposed pilot projects to test their application on federal land, and defines how they achieve the functional objectives. We commend it to the Idaho Land Board with the belief that the ideas and proposals incorporated herein will be a positive first step in improving the efficiency and effectiveness of federal land management in Idaho.

## Executive Summary

In 1996, the 53rd Legislature of the State of Idaho passed Senate Bill No. 1354 (Idaho Code § 58-104(10)) authorizing the State Board of Land Commissioners, "To enter into a joint exercise of powers agreement with the United States Forest Service in the Department of Agriculture, pursuant to Section 67-2328, Idaho Code" (Appendix B). In response to this action the State Board of Land Commissioners appointed a 19-member task force (Appendix C) and charged them with examining alternative methods of federal land management in the state (Appendix D).



In order to better understand the nature and scope of the problems surrounding federal land management in Idaho, we, the Task Force, scheduled meetings throughout the state and heard testimony from a wide variety of resource managers, land use interests, and other individuals with expertise in natural resource management. We considered this testimony in detail. We discussed the implications of the current state of federal land management on the economic and social fabric of Idaho.

We established the following principles as a basis for developing alternatives:

- The ownership of federally administered lands will not be transferred to the state.
- A variety of uses will continue on federally administered lands currently managed for multiple use.
- The public will be involved in the decision-making process.

These principles led to the following general considerations regarding the management of federally administered lands. These are desirable outcomes from which objectives and alternatives can be crafted:

- Environmental quality will be maintained and enhanced.
- Fish and wildlife habitat will be enhanced.
- Community stability and resiliency will be enhanced.
- Land management agency budgets will be stabilized.
- Resource management decisions will be made faster, more efficiently, and more effectively, and will produce more certainty and accountability.
- Federally administered lands will be managed in a fiscally responsible manner.
- Management of federally administered lands will be scientifically based to the greatest extent possible.
- All state and federal laws will be obeyed.

Based on the above principles and key considerations, we developed the following seven "functional objections," representing what we propose to accomplish through implementation of an alternate:

- Involve the public.
- Streamline and localize decision making.
- Protect water quality.
- Base management on formalized plans.
- Protect species.
- Stabilize agency budgets.
- Stabilize communities.

We eliminated any alternative that failed to achieve all seven of the functional objectives.

As a result of our activities and deliberations, we found that in the past three decades the delivery of goods and

services, as well as intangible and intrinsic values from federally administered lands, has not met the changing expectations of the public in general, or of Idaho citizens in particular. This situation has destabilized Idaho communities, eliminated jobs, diminished economic returns, and reduced environmental quality.



Based on the testimony of many witnesses, and analysis of the problem and possible solutions, we identified and examined three action alternatives: The Trust Alternative, The Collaborative Alternative, and The Cooperative Alternative. We offer the following findings and recommendation for Land Board consideration:

**Finding 1:** The current processes of federal land management have resulted in uncertain decision making, destabilization of resource dependent communities, and deterioration in environmental quality on federal lands. In short, the system is broken.

**Finding 2:** Significant changes to these processes are necessary. The changes proposed in the Upper Columbia River Basin Draft Environmental Impact Statement are not adequate.

**Recommendation:** The State Board of Land Commissioners should pursue a pilot project(s) testing one or more of the action alternatives for federal land management.

*“Forest Service decision-making has been taken away from the on-the-ground ranger and increasingly moved up the chain of command to the regional and national offices. This bureaucratization of the Forest Service penalizes initiative and innovation at the field level, where creative solutions are most needed.”*

*Andy Stahl, 1995<sup>16</sup>*

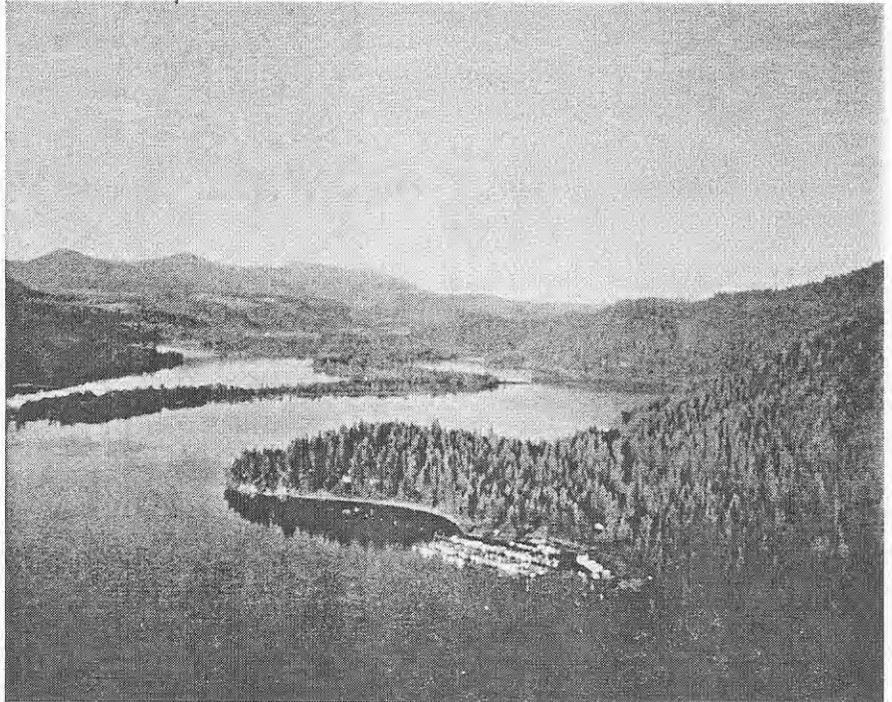
## 1.0 Purpose and Charge

In 1996, the 53rd Legislature of the State of Idaho passed Senate Bill No. 1354 (Idaho Code § 58-104(10)) authorizing the State Board of Land Commissioners, “To enter into a joint exercise of powers agreement with the United States Forest Service in the Department of Agriculture, pursuant to Section 67-2328, Idaho Code” (Appendix B). The bill was introduced in response to concerns in Idaho that federal land management was no longer responsive to the needs of local citizens, and that more formal involvement by the state in federal land decisions was needed. The State Board of Land Commissioners appointed a 19-member task force (Appendix C) and charged them to examine alternative methods of federal land management in the state (Appendix D). The Task Force was directed to deliver a report of their findings by July 1, 1998.

With the approval of the State Board of Land Commissioners, our purpose as the Task Force evolved as we examined the issue in detail, and developed a thorough understanding of the key elements of the current state of federal land management in Idaho.

## 2.0 Principles, Key Considerations, and Functional Objectives

Early in our deliberations we established principles to guide our work and frame our discussions and development of alternatives. We identified several key

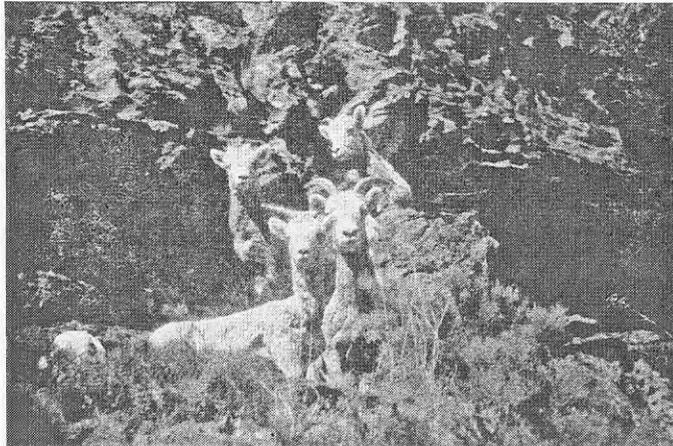


considerations as further guidelines. These principles and key considerations evolved into functional objectives as minimum standards for any alternative under consideration.

## 2.1 Principles

No “best” approach to resource management exists. Tracts of land differ in their characteristics and their ability to produce goods, services, and values for Idaho’s citizens and visitors. Because the expectations of Idaho’s citizens change over time, and vary from location to location, the objectives of land and resource management have changed, and will continue to do so. In this context, we adopted principles for developing alternative solutions. Any alternative considered met all of the following principles:

- The ownership of federally administered lands will not be transferred to the state.
- A variety of uses will continue on federally administered lands currently managed for multiple use.
- The public will be involved in the decision-making process.



## 2.2 Key Considerations

The principles led to the following general considerations regarding the management of federally administered lands. These are desirable outcomes from which objectives and alternatives can be crafted:

- Environmental quality will be maintained and enhanced.
- Fish and wildlife habitat will be enhanced.
- Community stability and resiliency will be enhanced.
- Land management agency budgets will be stabilized.
- Resource management decisions will be made faster, more efficiently, and more effectively, and will produce more certainty and accountability. Local federal land managers will be given greater flexibility in decision making.
- Federally administered lands will be managed in a fiscally responsible manner.
- Management of federally administered lands will be scientifically based to the greatest extent possible.

This means that the most current scientific data will be considered during the decision-making process.

The rational process of scientific inquiry is of enormous value to decision makers and members of society. It helps frame the debate over natural resource issues by providing documentation of past efforts, by focusing on a variety of scales, and by determining the likely outcome of the application of a range of alternatives.

Impacts on society and economies, as well as natural ecosystems, are important elements of this scientific inquiry.

At the same time, science alone cannot resolve controversial and complex natural resource issues, for at their root, natural resource decisions in our society are value judgements. Science may reduce the distance between values by better defining a problem or by focusing a question, but it cannot resolve value differences.

- All state and federal laws will be obeyed.

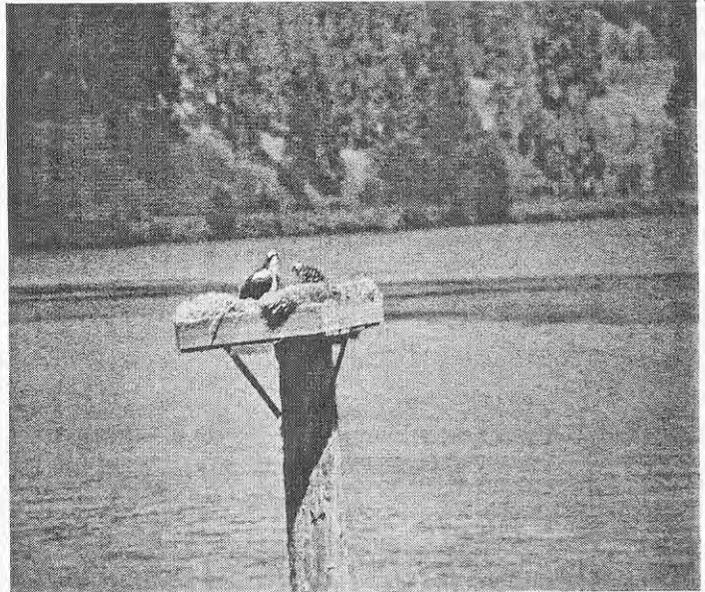
One of the primary problems leading to gridlock in the management of federally administered lands is the complex array of statutes and regulations, some of which conflict. Compliance with all these laws and regulations would likely create gridlock regardless of the system or structure of management in place. Some modification of these mechanisms will be necessary to clarify the purpose and enhance effective outcomes. We believe this can be accomplished without compromising the intent of the statutes. Laws and regulations are the source of gridlock. Gridlock is neither inevitable nor desirable.

## 2.3 Functional Objectives

We assembled the key considerations into seven “functional objectives.” These represent what we propose to accomplish through implementation of an alternative, even though the method of accomplishment may vary between different alternatives. Any alternative considered had to achieve all seven of these functional objectives:

- Involve the public.
- Streamline and localize decision making.
- Protect water quality.
- Base management on formalized plans.
- Protect species.
- Stabilize agency budgets.
- Stabilize communities.

These functional objectives accomplish the purposes of the statutes that currently guide management of federally administered lands. In some cases, the



processes to accomplish these ends will need to be modified.

We eliminated any alternative that, based on our analysis, failed to achieve all seven of these functional objectives. Our analysis was designed so that each alternative achieves the minimum standards for individual functional objectives.

## 3.0 Problem Statement

In the past three decades the delivery of goods and services, as well as intangible and intrinsic values from federally administered lands, has not met the

*In the 1940's camp tenders for Soulen Livestock Company, which had grazing permits on the Payette National Forest, packed fingerling trout into the high mountain lakes around McCall. There was no personal gain for the grazing permittees. The motive was simple--the Forest Service wanted to put fish in the lakes and the shepherders were headed that way anyway. Logic and a friendly helping hand carried the day.*

*Today federal agency actions are guided by Environmental Impact Statements and decision documents, rather than the offering and accepting of a helping hand to meet a need. The sheer weight of bureaucracy can crush an initiative, even when all parties agree on its worthiness.*

*The washout of a bridge on a popular hiking trail from Lost Chance Campground to Goose Creek Falls near McCall, Idaho is an example. A helicopter was replacing lift towers at the nearby Brundage Mountain Ski Area. Judd DeBoer, President of Brundage Mountain Company, which owns and operates the ski area, offered the Forest Service one of the replaced metal towers for a bridge structure, and the use of the helicopter to lower it into place. Few could quarrel with the need to fix the bridge, or with the logic of the solution. But paperwork got in the way. The helicopter moved on. The window of opportunity closed. To date, the bridge has not been replaced.*

*In 1982, the Payette National Forest began planning the Grade-Dukes timber sale near Cuddy Mountain outside Council, Idaho. Letters were mailed to interested parties. Public meetings were held in McCall, Council, Caldwell, and Boise. In early 1984 the Forest Supervisor signed a decision notice to offer the sale, but later changed his decision in favor of the "no action" alternative.*

*The future of Cuddy Mountain was again addressed during the Payette National Forest planning process. In 1988, the Supervisor announced his intent to prepare the "Cuddy Mountain Environmental Impact Statement." Public meetings were held in McCall and Boise, and 12,000 flyers describing the proposal for Cuddy Mountain were distributed.*

*Mailings, meetings, open houses, and field trips during 1989-1990 examined the proposal and solicited public opinion as required by federal law.*

*In 1991, the Payette Supervisor again decided to offer the Grade-Dukes timber sale. In response to administrative appeals however, the Regional Forester granted a "stay" delaying award of the sale.*

*In response, the Payette Forest initiated another Environmental Impact Statement. There were additional notices, scoping letters and public meetings. In 1994, the Forest Service again decided to offer the Grade-Dukes timber sale. Following a favorable court ruling on a lawsuit filed by the Idaho Sportsmen's Coalition, the sale was awarded to Boise Cascade Corporation.*

*That should have been the end of the story, but in late 1994, the district court ordered the Forest Service to accept the Sportsman's Coalition appeal. The Regional Forester denied the appeal and in 1995 Boise Cascade began building roads into the area.*

*In early 1998, however, the Ninth Circuit Court of Appeals overturned the lower courts and granted an injunction of the remaining logging and road building.*

*In the end, 16 years of planning and response to public concerns by the Forest Service was not enough to overcome the legal tools available to those who disagreed with the decision, even though their position was contrary to the majority opinion of local citizens.*

*Dave Van De Graaff  
Boise Cascade Corporation<sup>18</sup>*

changing expectations of the public in general, or of Idaho citizens in particular.

The demand placed on resources on these lands has increased. Competing uses cannot be easily accommodated and conflicts have escalated. Current processes and laws used for the management of federally administered lands fail to satisfactorily resolve the inevitable competition for resources from these lands, and sets the stage for continued conflict. No single group or interest seems to be satisfied with the present situation. Increasingly, many Americans turn to the courts as the forum for resolving disputes concerning federally administered land management.

The evidence of the current dissatisfaction with federally administered land management is the subject of disagreement between interests, but includes:

- Reduced timber harvest.
- Increasingly restricted recreational access.
- Reduced roadless acreage.
- Declining wildlife populations, particularly threatened and endangered species.
- Deteriorated water quality.
- Reduced availability of livestock forage.

*"The management of these lands is approaching 'gridlock' for a number of reasons. The primary cause is the crazy quilt of laws passed by the different Congresses over a century with no discernable consideration for the interactions of those laws. The total of the applicable law contains mixed mandates, overlapping jurisdictions, unfunded mandates, confusing missions, and produces mixed and confusing results. This is compounded by myriad court decisions that sometimes confuse more than clarify. It's time to deal with this problem in a comprehensive fashion."*

*Jack Ward Thomas  
Forest Service Chief, Retired<sup>20</sup>*

- A cumbersome and lengthy decision-making process that often results in gridlock.

Although there is disagreement regarding the priorities, the current situation has affected Idaho through the destabilization of communities, loss of jobs, loss of economic return, and a decline in environmental quality. We have not detailed the specific evidence of these problems in this report. Some of that evidence is documented in Report No. 16 of the University of Idaho Forest, Wildlife, and Range Policy Analysis Group, "History and Analysis of Federally Administered Land in Idaho." We drew heavily on the information in that report as we examined the problems associated with federal land management in Idaho.

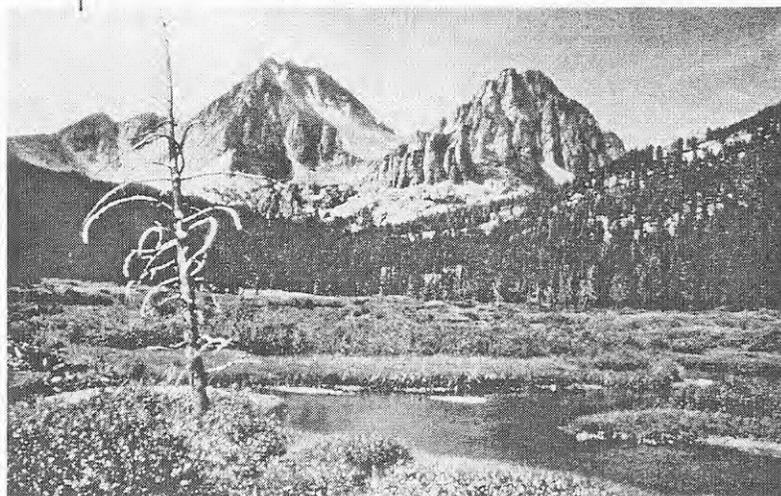
#### 4.0 Alternative Approaches

The testimony we heard, with rare exception, supported the simple message expressed by Professor Robert Nelson, a political economist at the University of Maryland, who said, "The system of [federal] public land management is broken and needs to be fixed."<sup>1</sup> We agree.

There are many alternative approaches to federal land management in Idaho. Not all stand the test of the seven functional objectives we established as minimum standards. We ultimately considered three in detail, but in the process briefly considered others.

Dr. Marion Clawson, Director of the Bureau of Land Management from 1948-1953, responded to what he called the "consultation-confrontation" mode of management that began in the 1970's<sup>2</sup> by suggesting five broad alternatives:

- 1) Most or all of the present federal lands will be retained in federal ownership, but strenuous efforts will be made to improve their management, and



there will be more concern for the costs and returns from such ownership and management.

- 2) Most or all of the present federal lands could be turned over to the states, without charge or on payment of some price, with their future management or disposal to be determined by the states.
- 3) A major part or all of the present federal lands could be sold to private individuals, corporations,

and groups or associations under terms which would be spelled out in the enabling legislation.

- 4) All or large parts of the present federal land area could be transferred to public or mixed public-private corporations to be managed as decided upon by those corporations but under terms of enabling legislation.
- 5) Long-term leasing of federal lands could be extended greatly, not only as it has been done for mineral leasing but also for other commercial uses, and for conservation or preservation purposes as well.

These alternatives surfaced and were the subject of serious discussion in the early 1980's.

For a variety of reasons we did not adopt Clawson's alternatives. Alternatives 2, 3, and 4 violate the principle of retaining federal land in federal ownership. Clawson's remaining alternatives propose improving federal land



management under current institutional arrangements. This has proven difficult. Several economists, including Randal O'Toole,<sup>3</sup> have offered thoughtful suggestions for reform based on modified managerial incentive and budgeting

structures. Despite this, the condition of federal lands has deteriorated, and public dissatisfaction with federal land management has grown in the 15 years since Clawson offered his alternatives.

We examined the no action alternative, even though it is not consistent with the principles and functional objectives outlined above. This alternative does, however, provide a point of reference and comparison for the other alternatives identified.

We ultimately identified three action alternatives for serious consideration. The three action alternatives either change the rules under which federal land is administered, or move the management to a place with different rules already in place. The alternatives we considered in detail are:

- 1) Trust Alternative: This model guides the management of state lands in many states. A trust clarifies in absolute terms who the trust lands are managed for, the objective in managing those lands, and therefore, the mission of the trustees and the managing agency. This clarification of "mission" and "objectives" is in stark contrast to federally administered lands where the mission and objectives for management have been confused after a century of statutory and regulatory change, and case law.
- 2) Collaborative Alternative: Under the concept of collaborative management, those who disagree work together to overcome their differences. In a collaborative group all parties agree to work together to achieve some greater good for all interests.



#### 4.1 No Action Alternative

Supervisors of the ten national forests in Idaho answer to three levels of administrative authority in Washington, D.C., and a Regional Forester in Ogden, Utah or Missoula, Montana, depending on the forest. The State Director of the Bureau of Land Management is responsible to a similar layering of administration in Washington, D.C. While these organizational structures have changed little over the past 50 years, the decisions that result have moved noticeably toward Washington in that period, and especially in the past 20 years. As the level of decision making has become less localized, the process has been gridlocked by a variety of forces.

- 3) Cooperative Alternative: Under the cooperative model, the state and the federal government agree to manage a block of federal land under a joint powers agreement. The terms of the arrangement, including the goals, responsibilities, and funding, would be delineated in a Memorandum of Agreement, supported by federal legislation if necessary. Several examples of such agreements exist.

A comprehensive discussion of each of these alternatives follows.

Gridlock in government occurs when the constitutionally established checks and balances between the different branches of government lead to a stalemate in decisions.<sup>4</sup> Public involvement in the federal land management decision process can also contribute to gridlock. One source is the administrative appeals process that the U.S. Forest Service created and maintains. The implementing regulations for the National Environmental Policy Act (NEPA) require public involvement in the development of Environmental Assessments (EA) or Environmental Impact Statements (EIS) for any "major" federal action. If citizens or groups are dissatisfied with Forest Service decisions after the

*"GAO [General Accounting Office] has observed that the Forest Service's decision-making process is clearly broken and in need of repair. Moreover, to improve the efficiency and effectiveness of the process, a consensus for statutory changes appears to be growing. However, any legislation that may be needed to clarify or modify the Congress's intent and expectations requires that the Forest Service and the Congress reach agreement on the agency's long-term strategic goals, on the uses that the agency should emphasize under its broad multiple-use and sustained yield mandate, and on the steps the agency should take to resolve conflicts or make choices among competing uses on its lands."*

*"Without agreement on the Forest Service's mission priorities, GAO sees distrust and gridlock prevailing in any effort to streamline the agency's statutory framework."*

*General Accounting Office, 1997<sup>21</sup>*

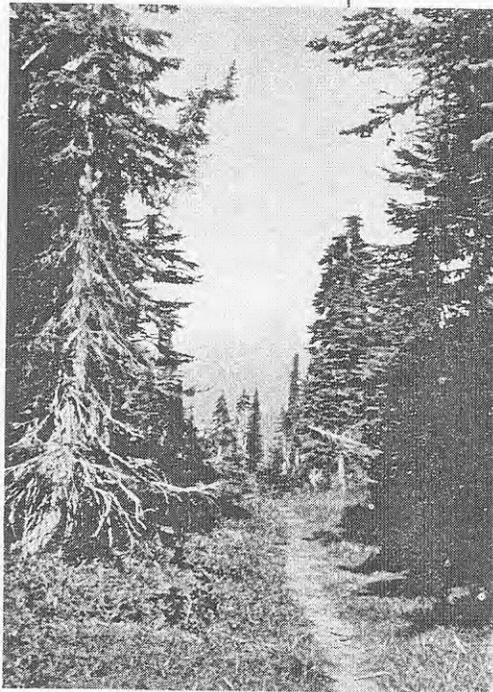
NEPA process, they may file appeals with the Forest Supervisor, the Regional Forester, and in some cases the Chief of the Forest Service.

The number of citizen appeals has been increasing. Region 4 of the U.S. Forest Service has assessed the situation as follows:

Across the Intermountain Region, appeals and litigation have been increasing for a number of years. It is unclear whether this increase is a response to increasing demand for limited resources, changes in society's values, demographic shifts, better awareness of and ability to challenge decisions, concerns over Forest Service decisions, or a combination of these and other factors.<sup>5</sup>

In addition to the formal appeals process established in federal regulation, citizens also make informal appeals to the cabinet level or to the White House, or try to circumvent the executive branch altogether and get Congress to influence national forest decisions through legislative changes or mandates, or through the power of the purse strings.

As with all federal programs, land management activities are funded through appropriations from the federal treasury. In this process, Congress often establishes output targets tied to functional programs for which it appropriates funds. This can create tension between the executive branch and Congress due to disagreement over the type or level of outputs.



Another force contributing to gridlock is the increasing use of the judicial branch in affecting decisions through the citizen suit provisions of environmental laws, principally NEPA, the Endangered Species Act (ESA), and the Clean Water Act (CWA).

While the various checks and balances that allow appeals and litigation are part of a democratic design that allows access to decisions at many points and at many levels, they take time. Decisions are delayed. It routinely takes at least four years to get a national forest timber sale through the process. Appeals can extend this period significantly, delaying on-the-ground activities for years or stopping them altogether.

Instead of streamlining an already cumbersome existing federal decision-making process, the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and the Upper Columbia River Basin (UCRB) Draft Environmental Impact Statement propose an additional layer of planning at the region or basin level, an additional level of analysis at the sub-basin level, and an additional level of environmental analysis at the watershed level. These additional layers of planning and analysis will further delay decisions and increase uncertainties. This will be accompanied by a reduction in timber-based employment.

The agency scientists who evaluated the ICBEMP Draft EIS alternatives estimated that 3,100 timber jobs would be lost from management delays while the Forest Service and BLM complete watershed analysis called for in the Eastside Draft EIS. Twelve eastside (eastern Oregon and eastern Washington) mills would close while this analysis is completed.<sup>6</sup>

*"For far too long, we have proceeded as if the multiple-use concept--most particularly as practiced by the U.S. Forest Service--were the only feasible approach to resource development. The implicit dictum of a century of federal resource management is simple: forbid all resource development (as in a park or wilderness development), or follow the Forest Service's multiple-use model. As the Forest Service model becomes more and more widely recognized as a failure, or as falling apart, or both, the quest for new visions of public resource management grows increasingly urgent. And as we begin to recognize that sustainable use, rather than destructive use or abstinent nonuse, is the most pressing challenge, the utility of the trust lands model becomes increasingly apparent."*

*Jon Souder and Sally Fairfax<sup>19</sup>*

These same scientists stated that, "The problem is not as severe in the UCRB where federal timber sales have fallen by a smaller percentage only in the last three years [i.e. Idaho and Western Montana]."<sup>7</sup> But even a proportionate reduction indicates a loss of 1,700 jobs and six or seven sawmills in this area during watershed analysis.<sup>8</sup>

The total projected losses in the Interior Columbia River Basin of 4,800 direct timber jobs and 19 mill closures are only the marginal losses from completing watershed analysis and sub-basin review. The scientists add that, "While these changes are framed in just economic terms, the social changes that accompany these economic transitions are very real in those communities experiencing mill closures."<sup>9</sup>

In our opinion, the Upper Columbia River Basin project is flawed both in its science and its process. Rather than granting flexibility to on-the-ground managers, it imposes rigid standards from above. It confuses rather than clarifies the mission of the federal land management agencies. It promises more gridlock.

This alternative does not meet the minimum standards of at least three of our seven functional objectives. It fails

to streamline and localize decision making, stabilize agency budgets, and stabilize rural communities. It perpetuates the issues, and the tendency toward lack of action, that have led to the current dissatisfaction with the management of federally administered lands.

## 4.2 Trust Alternative

A trust is a "...fiduciary relationship in which the trustee holds and manages property for the benefit of a specific beneficiary. The single obligation of the trustee is to act with undivided loyalty to the beneficiary."<sup>10</sup>

A trust consists of three essential elements. The absence of any of the three negates the trust. First, there must be a tangible property interest. Second, there must be a clear expression of intent whereby a settlor defines the purpose of the trust and "manifests an intention to impose duties which are enforceable in the courts."<sup>11</sup> Finally there must be a beneficiary, an entity delineated by the settlor as the recipient of the benefits of the trust.

A key advantage of a trust is that, since it is a legally defined entity, its structure and mission cannot be changed without legal action and significant effort. This provides stability in planning and decision making, and is a necessary element of the foundation of long-term resource management.



#### 4.2.1 Expression of Intent

“A key characteristic of a trust is the clarity of the mission: the trustee is obligated to manage trust resources for the benefit of the beneficiary.”<sup>13</sup> Mission clarity gives trustees and trust managers a well defined purpose to guide decision making. This clarity also gives beneficiaries a basis for judging the decisions and actions of the trustees and managers and holding them accountable to the trust mission. The clarity of the trust mission is in stark contrast to the uncertain and often conflicting objectives and goals that lead to the cumbersome and lengthy federal land management decision-making process described above.

#### Trust Terms--Legal Definitions<sup>12</sup>

- A *trust* is a fiduciary relationship with respect to property in which the person by whom the title to the property is held is subject to equitable duties to keep or use the property for the benefit of another.
- A *fiduciary relationship* places on the trustee the duty to act with strict honesty and candor and solely in the interest of the beneficiary.
- The *settlor* of a trust is the person who creates the trust.
- The *trustee* is the person holding property in trust for the beneficiary.
- The property held in trust is the *trust property*.
- The *beneficiary* is the person for whose benefit the trust property is held in trust.
- The *trust instrument* is the “manifestation of the intention of the settlor” by which the property interests are vested in the trustee and beneficiary and by which the rights and duties of the parties (called the trust terms) are set forth in a manner that admits of its proof in judicial proceedings.

#### 4.2.2 Beneficiaries

The trust requires designation of beneficiaries as recipients of benefits derived from managing the trust assets. Beneficiaries are not directly involved in managing the trust, but have legal standing to challenge decisions made by trustees or trust managers if those decisions are inconsistent with the trust mandate to manage for the beneficiaries.

#### 4.2.3 Property Interests

In the context of public land management, the property interest or tangible asset to be managed on behalf of the beneficiary is the land itself. The property interest is managed by trust managers who report to trustees. Trustees are responsible for broad policy decisions within which the trust manager operates. They ensure that the purpose of the trust guides the decisions of the trust manager. In order to ensure the integrity of a trust, the trust manager must not be a beneficiary. This helps guarantee that the trust is managed consistent with the purpose of the trust, and the interests of the manager do not supplant the interests of the beneficiaries.

#### 4.3 Collaborative Alternative

For our purposes, collaboration is defined as working jointly with others to reach decisions in the mutual or common interest.

Collaborative decision making has received much attention in the past decade as a method of developing public land policy. Many collaborative processes and groups are operating in the western United States. These can serve as models highlighting conditions necessary for success and pitfalls to avoid. Some collaborative

successes were later found to be less successful than first thought.

Despite some failures, collaboration appeals to many people as an alternative to the current Washington, D.C. centered, lawsuit-driven, land management structure that hinders decision making and allows little flexibility in conflict resolution.

At the February 1998 Andrus Center symposium on The Future of Our Public Lands, Idaho rancher Brad Little likened the situation to a hockey game where the puck has been frozen.

Collaboration supporters hope this method will “unfreeze the puck” by allowing people to talk among themselves and collectively agree on a solution to a given policy impasse. Implicit in this support is the belief that federal agencies will enact an agreement reached by a collaborative group. Unfortunately this has not always been the case. Federal agencies have in some cases resisted implementation of collaborative agreements.

Successful collaboration requires a changed role for the national agencies which manage the federal lands of the United States. At the very least, it requires a more decentralized decision-making organization for the agencies. Without that, Washington, D.C. will continue to control the outcome, and collaboration will be unlikely to break gridlock.

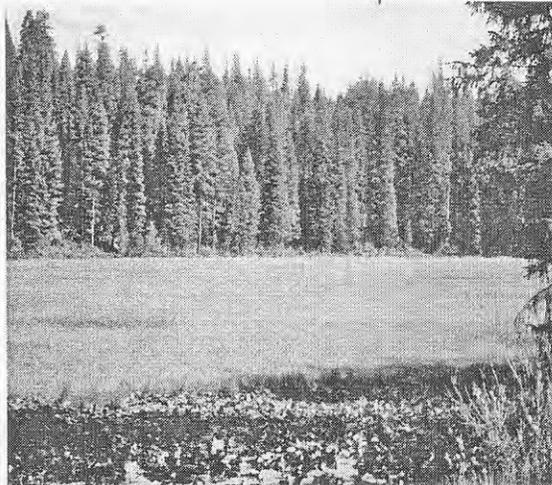
The collaborative alternative may enhance federal agency efficiency if it brings issues to earlier closure and produces supportable decisions that lead to effective on-the-ground management activities.



One of our principles is the retention of federal lands in federal ownership, so federal land management agencies will continue to be the primary instrument, not only for organizing and facilitating the collaborative process, but for implementing the decisions that result. The Quincy Library Group, formed by the timber industry, environmentalists, and local government officials to develop a management program for national forest land in a three-county area in northeastern California, has been criticized because the Forest Service was not included in its deliberations.

One of the common objections to some collaborative efforts has been that only local interests were represented. National interests, represented by national groups, must have the opportunity to participate in any successful collaborative effort. Excluding any such group predisposes the process to failure.

It is not possible, however, to guarantee serious, constructive participation by any single party in a collaborative process, even when the opportunity is offered. Legitimizing the process as the appropriate forum for decision making is crucial to success. This would be most logically



accomplished through acceptance and official sanction of a collaborative group by Congress and the Secretary of Agriculture and/or Secretary of the Interior.

Federal agencies are constrained in collaborative processes by the laws that govern their activities. The Federal Advisory Committee Act, for example, severely restricts the ability of an agency to convene interests to advise the agency on management or decision making. Collaborative processes will therefore be limited in their application unless the laws are changed.

The potential scope of a collaborative management effort is uncertain. There have been successful collaborative efforts on a small scale, but we are not aware of one on a large scale. The likelihood of success would probably decrease as the scope and complexity of the land base and processes entrusted to a collaborative group increases.

#### 4.4 Cooperative Alternative

The cooperative alternative is an arrangement where two or more parties agree to accomplish a mutually beneficial objective through agreement under which both accept certain responsibilities and to which both contribute resources. The agreement is reduced to writing so that all parties understand their responsibilities.

The cooperative alternative shares some of the benefits of the trust alternative in that the objective of the agreement is clearly stated, as are the specific responsibilities and contributions of all parties to the agreement. This clarity of purpose is accompanied by clear accountability. Since the agreement is in writing, usually in the form of a Memorandum of Agreement (MOA), all parties are fully informed of the obligations of the other parties and, therefore, are in a prime position to gauge the success and seriousness of every party in meeting those obligations.

Examples of agencies and private parties working cooperatively to accomplish land management objectives under the terms of an MOA abound. Many are task specific. For example, six different state and federal agencies in the State of Idaho are parties to an MOA providing for compliance with the federal Clean Water Act in silvicultural activities. The MOA not only provides for individual agency responsibilities on the land they manage, it provides for mutual accountability through random field audits of silvicultural operations.

Examples of a cooperative arrangement on a broader scale are less common. The City of Rocks National Reserve south of Burley, Idaho, near the Utah border, is one such example. In addition to its natural beauty, the City of Rocks has a significant cultural history as a campsite for both Shoshone Indians and emigrants traveling the California Trail.



The reserve was added to the National Park System in 1988. As part of the Arizona-Idaho Conservation Act of 1988 that provided for the addition (Pub. L. No. 100-696, 102 Stat. 4571(1988)), Congress specified that, while the area was to remain a unit of the National Park System, it would ultimately be turned over to the state or other appropriate local governing body for management. The management was to be guided by a comprehensive plan developed in cooperation with the state, federal, and local governments, and local residents. The provisions of the congressional action were incorporated into a cooperative agreement that specified the duties and obligations of the National Park Service and the Idaho Department of Parks and Recreation.

The comprehensive plan was completed in 1994, and the reserve has been managed by the State of Idaho since that time in accordance with the plan. Essentially the Department of Parks and Recreation manages the reserve in full compliance with applicable federal statutes and regulations, under a contractual agreement with the National Park Service.

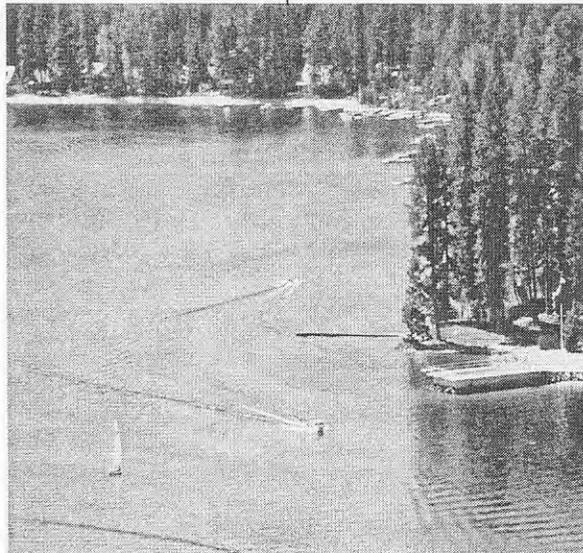
The legislation establishing the reserve also provided federal funding for the development of the management plan and the operation of the reserve. The cooperative agreement requires periodic review and renewal, and includes a clause allowing either party to withdraw, thereby providing accountability between the cooperators.

The City of Rocks National Reserve demonstrates that the cooperative model can work to accomplish management of federal land under agreement between federal and state agencies. We recognize that application

of this model to a larger, more diverse and complex block of land would be more difficult. Congressional action authorizing the arrangement and delineating the objectives, responsibilities, and funding would be required and might well be problematic.

## 5.0 Pilot Projects

It would be inappropriate to suggest an abrupt move to a different management system for federal lands without first testing the organization, management, and results of that



system on a smaller scale. A pilot project could demonstrate in a more direct fashion our vision of how the three alternative approaches would be applied on the ground to accomplish the functional objectives.

Following are criteria to guide the selection and operation of a pilot project, regardless of the alternative:

- The project boundaries should conform to a current federal land management agency administrative management unit(s).
- The objectives of the pilot project should be clearly defined.
- The project period should be 15 years. This coincides with the current Forest Service planning period of 10-15 years.
- The federal management unit selected should include minimal wilderness or wilderness candidate acreage.
- The federal management unit selected should be in a

*Efforts to manage for endangered species, appeals and litigation over timber sales, and conflicting management direction from Congress and the Administration reduced National Forest timber sales. But there must be other factors.*

*In 1988, with Republicans in power in the White House and Senate, and the timber industry in its primacy, the Panhandle National Forest offered 275 million board feet, the full "allowable sale quantity" in the forest plan. Five years later timber sale offerings had declined to 109 million board feet. The next year they dropped to 45 million board feet.*

*The Panhandle National Forest Plan failed to forecast any of these reductions. Controversy over logging, and appeals of timber sales during the period did not result in sweeping injunctions to stop logging. The only lawsuit to stop logging was ultimately decided in favor of the Forest Service.*

*No anadromous fish are resident on the Panhandle. Grizzly bear and caribou are listed but are not a serious obstacle to logging. Much of the Panhandle is roaded so access isn't a problem. In 1994, the year sale offerings hit the low point, the forest actually employed more people than it did in 1988.*

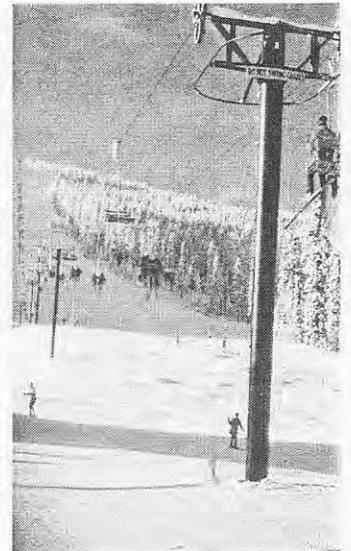
*What happened to the Panhandle National Forest timber sale program? All we know is that despite all that favored maintenance of a high level of timber sales, the planned sales were not sold.*

location where local communities have experienced economic instability due to changes in federal land management outputs. This would allow testing of the premise that the alternative management arrangement would help stabilize communities.

- The organizational, management, and funding structure for the pilot should be clearly defined prior to the implementation of the project.
- Federal payments for fire preparedness and suppression would continue.
- Periodic monitoring of the operation of the pilot project should be conducted throughout the project period.

The operation of existing federal land uses is governed by a complex set of laws, rules, and agency policies. We recognize that valid existing rights, including timber sales, grazing leases, and recreational facilities and rights, will predate a pilot project and will likely extend beyond the end of a pilot project. We do not intend that the operation

of these rights be altered for the purposes of the pilot project. Neither do we intend that the system of acquisition of mineral rights through mining claims, mineral patents, and mineral leases, be modified. We further recognize and support existing tribal treaty obligations and the continuation of special purpose statutory land use designations such as wilderness areas, wild and scenic river corridors, and national trails, and intend that those designations and rights be respected to the same extent as under current laws during the pilot project.



## 5.1 The Trust Pilot Project

Development of the trust pilot project requires that we delineate the elements of the trust, as well as the trustees and trust managers. It also requires that we outline

*"On top of all these laws is built an ever-larger layer of agency policies and regulations, along with court decisions and case laws...Not only do their current rules overlap in places, but there are instances in which they conflict, and compliance with one risks violating another. Another effect on this complex situation is that every legal challenge helps move decision-making away from the forest. Lawsuits don't attack forest planners--the defendant is the Chief of the Forest Service or the Secretary of Agriculture, whomever the law identifies as the responsible federal official. Thus, though the original laws may be fairly straightforward and functionally separate, today they support such a broad and complex legal framework that the process grinds into gridlock."*

*Neil Sampson, 1995<sup>17</sup>*

the management process and fiscal aspects of the organization. Figures 1, 2, and 3 (see pp. 25-27) diagram our vision of the pilot project. We expand on the concepts in the figures in the following paragraphs. We refer to our hypothetical pilot project as the Gem State National Forest Trust, although the concepts could just as easily be applied to a BLM District.

The Gem State National Forest Trust would be created through a trust instrument, executed by the settlor of the trust, the U.S. Congress. The trust instrument would be specific legislation passed by Congress and signed by the President setting aside a specific National Forest(s), and establishing the intent of the trust, the trustees, the beneficiaries, as well as the structure for trust management. It is possible that this action on the part of the Congress would need to be accompanied by some action on the part of the Idaho Legislature.



### 5.1.1 Expression of Intent

The Gem State National Forest Trust must have an expression of intent that clearly states the goal of the pilot project. Multiple use is simply not acceptable as such an expression. We suggest the following expression of intent be codified in the pilot project:

The trustees shall manage these public lands to provide revenue, net of operating costs, for the beneficiaries each year, generated in a manner that recognizes public values and is sustainable over the long term.

The clarity of this goal is evident. It establishes who is responsible, what they are to do, to whom they are accountable, and the period of the responsibility. Thus, it establishes a firm foundation for decision making on the part of the trustees and trust managers. It makes trustees and managers accountable to the beneficiaries.

### 5.1.2 Beneficiaries

Designation of beneficiaries is a critical element of the Gem State National Forest Trust not only because of the distribution of revenues from the management of federal land management activities, but also because the selection of appropriate beneficiaries will foster creative tension to ensure different benefits are balanced by the trustees.

We recommend beneficiaries that represent local government, fish and wildlife interests, and recreational

interests. These beneficiaries have interests in the local economic considerations of trust land management, the ecological features of the trust landscape, such as water quality and wildlife habitat, as well as the use of, and access to, the trust lands for recreation. Each beneficiary also has an interest in monetary returns because these funds help support local



government, on-the-ground fish and wildlife habitat improvements, and maintenance and improvement of recreation resources. At the same time each has an interest in maintaining the viability of the land base since that perpetuates the capacity of the trust to support the interests of each beneficiary in the long term.

The beneficiaries representing local government should be the schools and roads in the county(s) where the pilot project is located. The State of Idaho currently receives, and disburses to the counties for local road maintenance and public schools, a 25% share of revenues from federal lands in combination with a per-acre payment in lieu of property taxes that insures a minimum level of compensation to the counties. The revenue-sharing feature of the 25% fund policy gives county commissions an economic interest in how federal lands are managed. Including these entities as beneficiaries should provide them with the same interest in the trust operations.

The beneficiary representing public interests in fish and wildlife would be the Idaho Fish and Game Commission. Members of this commission are appointed by the Governor of Idaho and confirmed by the State Senate. They hire the Director of the Idaho Department of Fish & Game, who in turn directs the operations of the department

in carrying out its responsibilities as caretaker of fish and wildlife populations and habitat in the state.

The beneficiary representing public interests in recreational use of federally administered lands would be the Idaho Park and Recreation Board. The members of the Park and Recreation Board are appointed by the Governor in the same manner as the Fish and Game Commission. They serve the same capacity in

relation to the Idaho Department of Parks and Recreation, the agency responsible for the management of Idaho's 25 state parks.

### 5.1.3 Property Interest

The Gem State National Forest Trust includes federal property within the boundaries of the national forest(s) selected for this pilot project. The trust property management activities that generate revenues will only



occur on those "general use" areas of the national forests that are designated in the current land and resource management plan(s) for the selected national forest(s). Because of the many issues associated with undeveloped or roadless

lands in Idaho's national forests,<sup>14</sup> we suggest that those areas recommended as additions to the National Wilderness Preservation System in current national forest land and resource management plans be excluded from consideration as producing revenue from resource commodity extraction. Subject to the trust decision process and public involvement, other roadless areas could

be developed. Motorized recreation would continue in accordance with the management plan in place on undeveloped or roadless lands outside wilderness areas.

Because specially designated lands such as wilderness are statutorily “set aside” from consideration as revenue-



producing assets, associated management costs of such lands within the boundaries of the pilot project would be borne by the Gem State National Forest Trust. Certain recreational resources within these special use areas may be specified in the trust instrument as recreation revenue-producing assets, but these lands would not be used as commodity-producing assets.

#### 5.1.4 Trustees

Designation of the trustees should be done so that national as well as local interests are represented. We recommend a seven-member board of trustees.

Three of the trustees would be appointed by the Governor of Idaho. The Governor serves as Chairman of the Idaho State Board of Land Commissioners, the constitutional body responsible for overseeing the management of Idaho’s 2,466,000 acres of trust land. In this capacity he has knowledge, experience, and insight in the activities of an operating trust. He may elect to name three members of the State Land Board as trustees, since these individuals also have working knowledge of trust land management. This would provide consistency between the management of state and federal lands within or adjacent to the pilot project area.

The other four trustees will be appointed by the Secretary of Agriculture (or the Secretary of Interior for BLM lands) with the advice and consent of the Governor of Idaho. These trustees could be prominent national leaders in efforts

focused on the sustainable development of natural resources, and should represent national interests in the use of federal lands for a variety of purposes.

Trustees look after the integrity of the trust and the national interest in managing the trust assets. Trustees approve management plans, decide appeals, and assure the needs of the beneficiaries are met. Trustees also appoint the Local Advisory Council.

#### 5.1.5 Trust Manager

The current National Forest supervisor for the lands included in the trust would be the Gem State National

Forest Trust manager. The National Forest personnel and management structure on the forest would remain in place. This takes advantage of the existing infrastructure and technical and support capabilities of the Forest Service. It is possible that some adjustment in the type of skills represented on the forest would take place as the mission of the forest changed under the trust concept. The manager and staff would refocus their management activities in light of the new mission and we would expect some uncertainty and rough spots early in the pilot

project. National Forest personnel are, however, capable and committed individuals and we believe the transition would be accomplished with minimal problems.

The trust manager reports to the trustees, implements their policies, and assures they are consistently applied through each plan and project. He designs and implements projects in accordance with the plans, and is responsible for all planning and directing on-the-ground operations of trust land management.

#### 5.1.6 Management System

The management system for the Gem State National Forest Trust is outlined in Figure 1 (see p. 25). The trustees provide oversight and broad policy direction consistent with the purpose of the trust. On-the-ground land and resource management decisions are made by the trust manager. The trust manager reports to the trustees and the trustees have authority to override the decisions of the trust manager if they believe it to be in the best interests of the beneficiaries. The trustees also serve as the final decision-making authority for public appeals of decisions made by the trust manager.

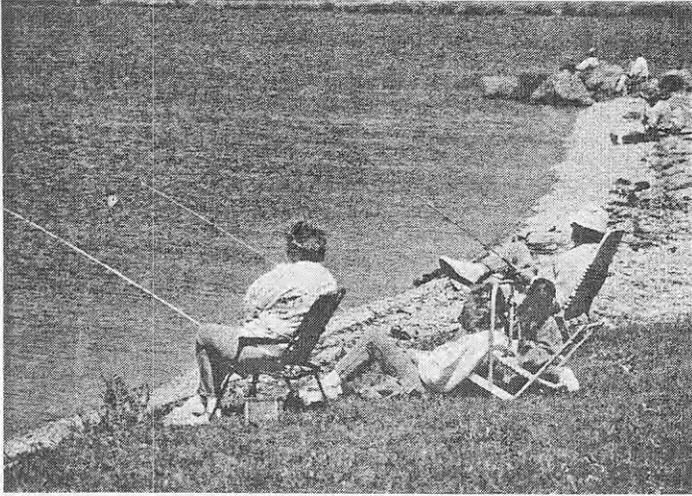


The trust manager will be assisted by a Local Advisory Council. This council, appointed by the trustees, will serve as a point of local contact for the trust manager. Its purpose will be to inform the manager of local needs and concerns, and to act as a sounding board for the manager in the decision-making process. The Local Advisory Council will manage public involvement in all phases of the planning process, but does not have decision-making authority.

#### 5.1.7 Management Planning and Public Involvement

The operations of the Gem State National Forest Trust will be guided by the planning and public involvement process outlined in Figure 2 (see p. 26). The foundation of this process is a five-year plan. Development of this plan will require examination of alternatives for land allocations and how to meet local economic and environmental needs. This plan will be based on a sound inventory of land and resources. It will define the broad objectives of land management activities and the levels of production expected from the trust assets.

Each five-year plan will be accompanied by an Environmental Impact Statement. Public comment will be solicited during the five-year planning process. The



Local Advisory Council will oversee the public comment collection and analysis process, and will ensure that the comments are considered, and accommodated as appropriate in the plan.

Administrative appeals will be provided for during the five-year planning process. The appeals will be managed by the Local Advisory Council. Appeals will be restricted, however, to those individuals or organizations who have availed themselves of the opportunities for public involvement. An effort will initially be made to resolve the appeals informally with the trust manager. Should that effort fail, the appeal will be advanced through the Local Advisory Council, with the trustees being the ultimate appeal authority. Appellants who are dissatisfied with the administrative process will retain their rights to seek a remedy through the legal system.

Within the broad guidance of the five-year plan, the trust manager, with input from the Local Advisory Council, will develop a one-year plan. This plan will list the specific on-the-ground projects designed to meet the five-year plan objectives for the coming year. Each one-year plan will be accompanied by an Environmental Assessment. As with the five-year plan, public comment will be solicited by the Local Advisory Council during the one-year planning process. The administrative appeal process for the one-year plan is the same as that for the five-year plan.

This approach to planning should result in a more meaningful plan than those produced under the current National Forest Management Act. The planning horizon is more realistic, and the link between the broad plan and on-the-ground actions is shorter.

On-the-ground projects identified in the one-year plan are not appealable. The opportunity still exists for interested parties to express their concerns and recommendations to the trust manager or Local Advisory Council on an informal basis regarding the design or implementation of any individual project. Those individuals who filed appeals during the five-year or one-year planning process, saw them through the administrative process, and remained dissatisfied could still avail themselves of the judicial process within the confines of the congressional action establishing the Gem State National Forest Trust.

Projects are designed to meet minimum standards. These standards can be increased through site-specific analysis. Consultation with regulatory agencies to assure protection of species occurs at this level.

Projects that are not listed on the one-year plan, but which for some reason the trust manager proposes to



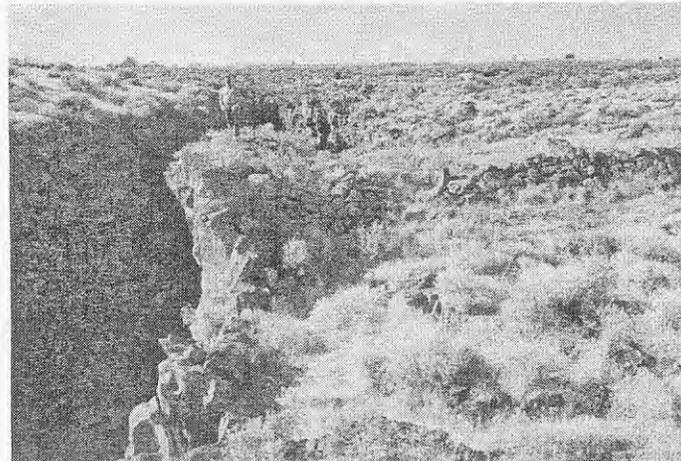
accomplish in a particular year, would have to be preceded by an Environmental Impact Statement or Environmental Assessment, and would be subject to the same public involvement requirements and administrative appeal processes as those in the planning process.

### 5.1.8 Fiscal Processes

One of the principles of resource management is that a long-term outlook is necessary to effectively plan and manage resources. A stable source of funding is therefore necessary to support on-the-ground management activities.

An initial phase-in period, during which the federal treasury will provide funding under current procedures, but on a decreasing basis, should be established for the pilot project. This funding would be phased out and eliminated altogether after a specified period of time. Under the assumption that the trust has created revenue, the loss of federal funding would be offset by the availability of revenue from the trust operations. The goal would be a self-supporting trust within the time frame selected.

During the pilot project period, the returns from management of the trust assets would be distributed as



shown on Figure 3 (see p. 27). Revenue from renewable resources, such as timber and forage, would be deposited into a management account. Revenue from non-renewable resources, such as minerals, would be deposited into a permanent fund. This fund would be invested within specified guidelines, and the revenue produced through the investment would also be deposited into the management account.

The management expenses of the trust are paid from revenues. A management contingency account will be established to cover unforeseen events and as a cushion against cash flow problems.

The proceeds of the trust will also fund the costs of maintaining public goods, such as cultural and archaeological sites and biodiversity, that have public value but that do not have a market value, or the protection of which is not a responsibility of one of the beneficiaries. Protection of these values would still be the responsibility of the trustees and the costs would be carried by trust revenues.

Management expenses and public goods payments, will be paid prior to other distributions.

The trust will also fund the annual Payment in Lieu of Taxes (PILT) paid by the federal government to the counties since 1908. These payments are designed to offset the property taxes foregone by the counties on lands

in federal ownership. For the pilot project, this amount will be paid as a floor to the amount the counties will receive through the operation of the trust. The amount will be determined during the design of the trust pilot project.

Money remaining after these distributions will be deposited in the earnings reserve account each year. This account will be managed to provide reasonable, long-term payments to the beneficiaries. The amount distributed will be determined by the trustees each year.

The trustees will also be allowed to retain portions of the earnings reserve account as a hedge against periods of low cash flow. There will likely be a backlog of road and trail maintenance, wildlife habitat, water quality improvement, ecological restoration, and recreation resource development work that will absorb any surplus net revenues for at least five years.

It is our strong belief that positive net revenues are attainable and sustainable under the trust model.

One area where we anticipate continued federal funding is wildland fire control in the pilot project area. Idaho Code requires that forest landowners pay the state 45 cents per acre to help fund the cost of having adequate resources available to fight fire. This figure represents about half of actual fire preparedness costs. We would expect the federal government to continue to meet its landowner obligations and contribute this amount each year. The remaining preparedness costs would be borne as an administrative cost to the trust. We would



also expect the federal government to establish a fire suppression contingency fund to cover costs of catastrophic fire events in the pilot project area.

### **5.1.9 Trust Pilot Project Summary**

We believe the Gem State National Forest Trust structure outlined above meets our functional objectives. The specific mechanisms to achieve these objectives are outlined in Functional Objective Tables 1-8 (see pp. 43-50). The clarity of the mission provides certainty on the decision-making process. This, accompanied by the Local Advisory Council and the makeup of the trustees, will help stabilize resource dependent communities. The planning process is formalized and incorporates public involvement. The agency budget would be stabilized through trust revenues. Finally, water quality and wildlife would be protected through application of existing laws, the beneficiary and public goods features of the trust, and the long-term intention of the trust settlor. The trust, therefore, meets the qualifications we set for this alternative.

FIGURE 1

**TRUST MANAGEMENT STRUCTURE**

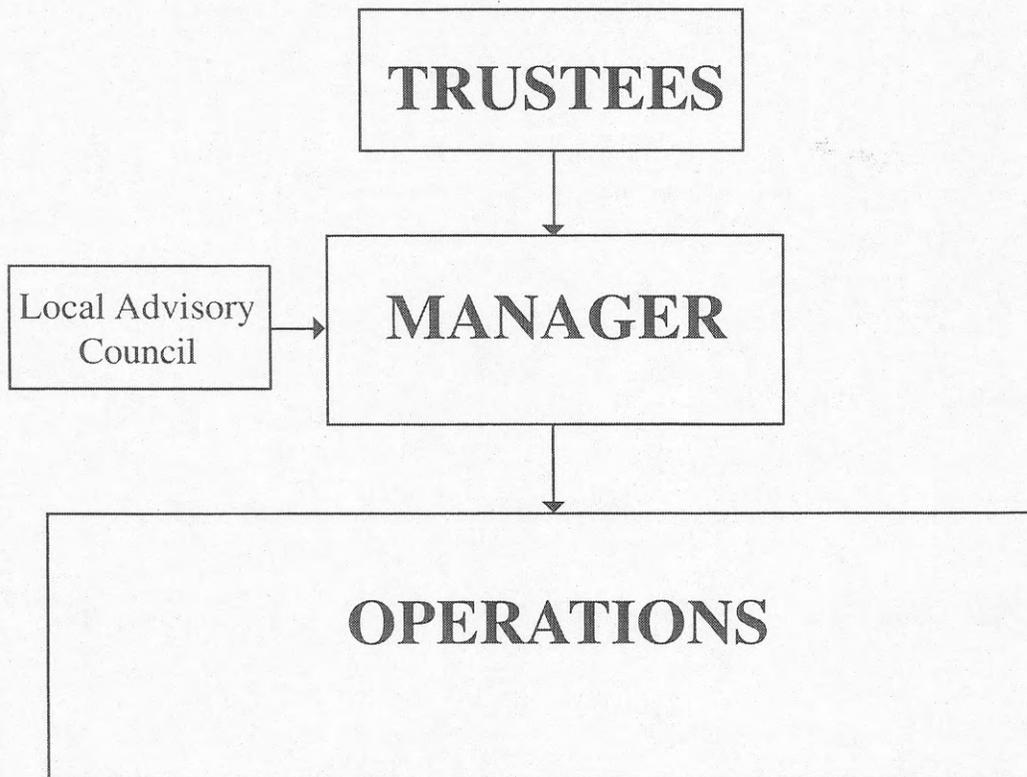


FIGURE 2

**TRUST PLANNING AND PUBLIC INPUT PROCESS**

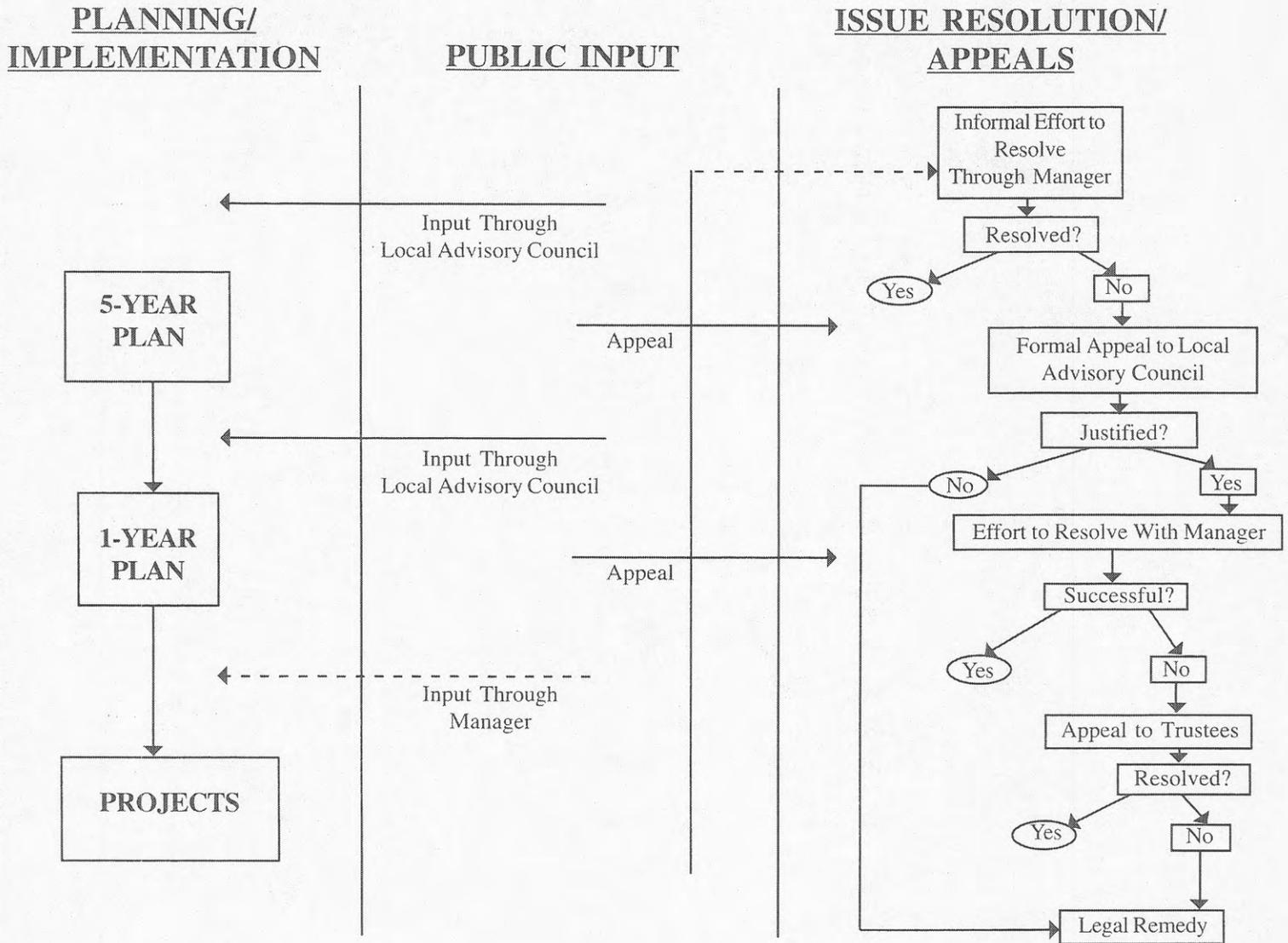
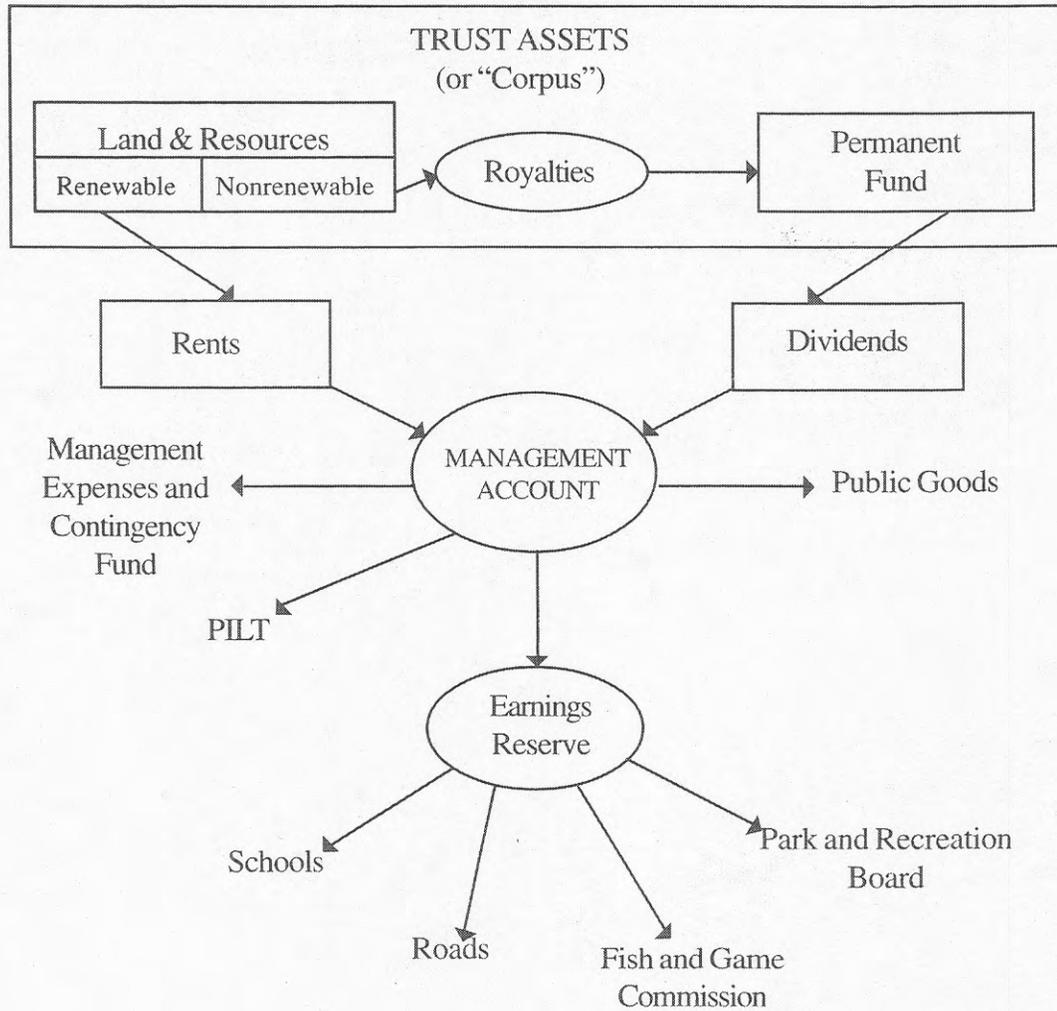


FIGURE 3

TRUST FINANCE AND CASH FLOW STRUCTURE



## 5.2 The Collaborative Pilot Project

Development of the collaborative pilot project necessitates that we designate the collaborative group and define their purpose. It also requires that we outline the management process and fiscal aspects of the organization. Figures 4, 5, and 6 (see pp. 32-34) diagram our vision of the pilot project, which we refer to as the Gem State Group. We expand on the concepts in the figures in the following paragraphs.

The Gem State Group would be created through an act of the United States Congress, signed by the President of the United States. It would designate a specific National Forest(s) or BLM District(s), and establish the purpose of the collaborative effort. This action on the part of the Congress might need to coincide with some action of the part on the Idaho Legislature.

### 5.2.1 Designation of the Collaborative Group Members

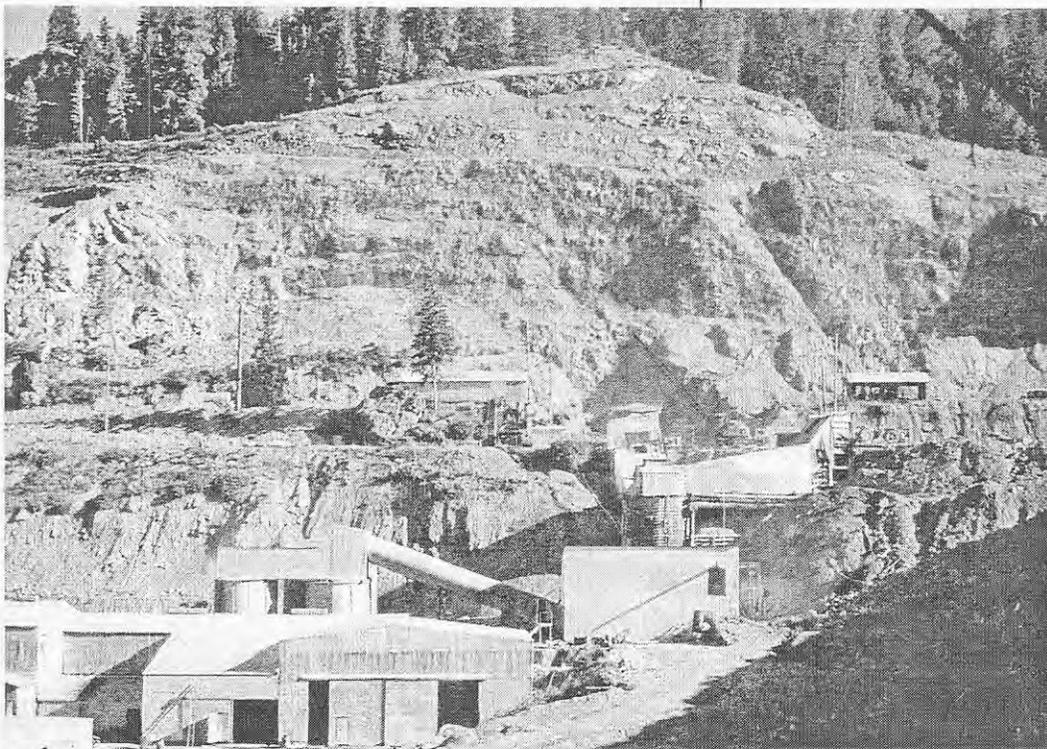
If the collaborative group does not represent the appropriate range of interests, it will undoubtedly be



doomed to fail. A wide range of national and local interests should be included. We believe the group should include representatives of commodity users, recreational users, fish and wildlife advocates, local government, and environmental advocates.

It is possible that a collaborative group currently exists in Idaho that could be legitimized for a pilot project. We do not know of one, although the Resource Advisory Council (RAC) might have merit for a BLM centered project.

Assuming that no group currently exists in the state we recommend that the Forest Service or BLM, depending on the location of the pilot project area, solicit nominations. It would be possible in this process for a group to organize on its own and submit itself as a group nomination. Nominations would be forwarded to the



*Sometimes efforts to protect fish and wildlife, or recreational values, have consequences on private land that undermine the objectives of the restrictions. Bob Piva, a rancher in Challis, Idaho, who owns land in the Sawtooth National Recreational Area (SNRA) offers an example that is not uncommon. He ran cattle on his land and adjacent federal land prior to designation of the SNRA. His grazing rights, and the other existing rights, were supposed to continue under the SNRA management.*

*Through the years, however, the restrictions on Mr. Piva's use of the federal land to graze his cattle increased. Efforts of a broad-based collaborative group to develop a solution that would accommodate the existing uses as well as the salmon and the recreational uses was rejected by agency authorities. Mr. Piva was forced to sell two-thirds of his herd.*

*Now Mr. Piva plans on subdividing his private land in the SNRA, and selling it for homesites in order to finance the purchase of land elsewhere for his grazing operation. Is this more friendly to fish and wildlife? More homes on smaller tracts mean more people, more houses, more roads and traffic, more runoff from lawns, more intrusive use by those who own it, and more restrictions on the use by those who don't.*

Governor who would make specific recommendations. These recommendations would be confirmed by the Secretary of Agriculture or Secretary of Interior.

Within the mandate to ensure a broad range of interests, we recommend the number of members in the Gem State Group be limited to a maximum of 15. Beyond this number the operation of the group becomes unwieldy, and the likelihood of success is diminished.

### **5.2.2 The Purpose of The Gem State Group**

The Gem State Group would be charged with developing and monitoring implementation of five-year and one-year plans for the Gem State National Forest. This planning process would replace the current forest planning process required under the National Forest Management Act (NFMA), and would serve as the revision to the current Gem State Forest Plan.

The planning process itself is diagrammed on Figure 5 (see p. 35) and is similar in its structure to the process outlined above for the Gem State National Forest Trust. The Gem State Group would serve as the plan development focus. Their responsibility would be to collect public comment, determine objectives, and define the goals and outputs expected from management of the land base.

The five-year plan would examine alternatives for land allocations and how to meet local economic and environmental needs. This plan would be based on a sound inventory and would be accompanied by an Environmental Impact Statement.

The one-year plan would designate the specific on-the-ground projects designed to meet the five-year plan objectives for the coming 12-month period. It would be accompanied by an Environmental Assessment.

Administrative appeals will be allowed during the two planning processes. Appeals will be managed by the collaborative group. However, appeals will be restricted to those individuals or organizations who have availed themselves of the opportunities for public involvement that exist for five- and one-year plans.

Administrative appeals would not be allowed at the project level, although informal efforts to resolve project-specific concerns with the on-the-ground manager would be encouraged. Those individuals who had filed appeals, seen them through the administrative process, and remained dissatisfied could still avail themselves of the judicial process within the confines of the congressional action establishing the collaborative group.



### 5.2.3 Management Planning and Public Involvement

The Gem State Group management structure would not change from the current Forest Service or BLM structure. The Forest Supervisor or BLM District Manager would be the individual responsible for administering on-the-ground activities within the overall directions of the forest plan. The Gem State Group would not have supervisory authority over the Forest Supervisor, but once the forest plan was in place, the group would serve as a monitoring unit to ensure that on-the-ground activities were in fact consistent with the plan objectives.

Projects that are not listed on the one-year plan, but which for some reason the on-the-ground manager proposes to accomplish in a particular year, would have to be preceded by an Environmental Impact Statement or Environmental Assessment, and would be subject to the same public involvement requirements and administrative appeal processes as those in the planning process.

In order for the Gem State Group to be successful, Congress must establish mandatory time limits for completion of the planning and appeal processes we've described. Without time limits a member(s) of the group may not participate in good faith, and cause the effort to fail through delay. We recognize that demanding consensus from such a diverse group as the Gem State Group within time limits is problematic. We therefore propose the group objective be to achieve consensus, but that its decisions be based on majority vote. This makes balancing the interests in the group even more critical. Without majority vote one group of interests could easily override the desires of others, negating the collaborative process.

It is important, however, that the Forest Supervisor or BLM District Manager be vested with sufficient authority to make decisions and effect their implementation within the broad direction of the forest plan. The authority granted to the Forest Supervisor must be to make decisions within the appropriate legal limits without being overruled by officials at the regional or national level. Collaboration cannot work otherwise.



#### 5.2.4 Fiscal Processes

The purpose of the Gem State Group differs from the Gem State National Forest Trust in that there are no designated beneficiaries. Revenue will, however, be created through the operation of the forest under the umbrella of the forest plan developed by the group. The distribution of this revenue is shown on Figure 6 (see p. 34).

Revenue generated by the Gem State National Forest under the collaborative alternative will not likely be adequate to fully support the operations of the forest. Appropriations from the national treasury will continue to be necessary. This money, combined with revenue



generated through operations, will be distributed to the counties within which the Gem State National Forest is located, used to offset operations, and deposited into a contingency account as a hedge against unforeseen events, such as catastrophic fire suppression, and periods of reduced cash flow. Public goods activities, such as protection of cultural and archaeological sites and biodiversity, are the responsibility of the collaborative group and will be funded as a part of operations.

Funds generated in excess of these needs could be distributed as additional payments to the counties, or payments to the Fish and Game Commission or the Park

and Recreation Board. Due to the backlog of management needs on most national forests in Idaho, we would not expect availability of funds for these distributions during the first five to ten years of the pilot project.

We believe it is critical that Congress maintain the revenue generated by the operation of the Gem State Group under the collaborative alternative as a discrete account during the pilot project period. It will not be possible to meet the functional objective of stabilizing budgets without that provision.

#### 5.2.5 Collaborative Pilot Project Summary

The collaborative pilot project planning process (Figure 5, see p. 33) is similar to that described for the Gem State National Forest Trust. This planning process will test the possibilities and limits of collaboration. It will benefit from existing Forest Service or BLM expertise as a useful check on group expectations, and will maintain federal agency management and expertise in place during implementation. This type of pilot project is more likely to be accepted, and less likely to be opposed by interest groups. It might pave the way for more on-the-ground collaborative management.

The Gem State Group as envisioned in the pilot project, meets our functional objectives as listed on the Functional Objective Tables 1-8 (see pp. 43-50). The Act of Congress, properly framed, would establish the objectives of the group. Those objectives would provide formalized plans and stabilized budgets. Managers and local communities would benefit from stability in decision-making and on-the-ground accomplishments. Ecological concerns such as fish and wildlife and water quality, would be better served through affirmative decisions and a stable flow of funds to improve ecosystems and protect resources.

FIGURE 4

**COLLABORATIVE MANAGEMENT STRUCTURE**

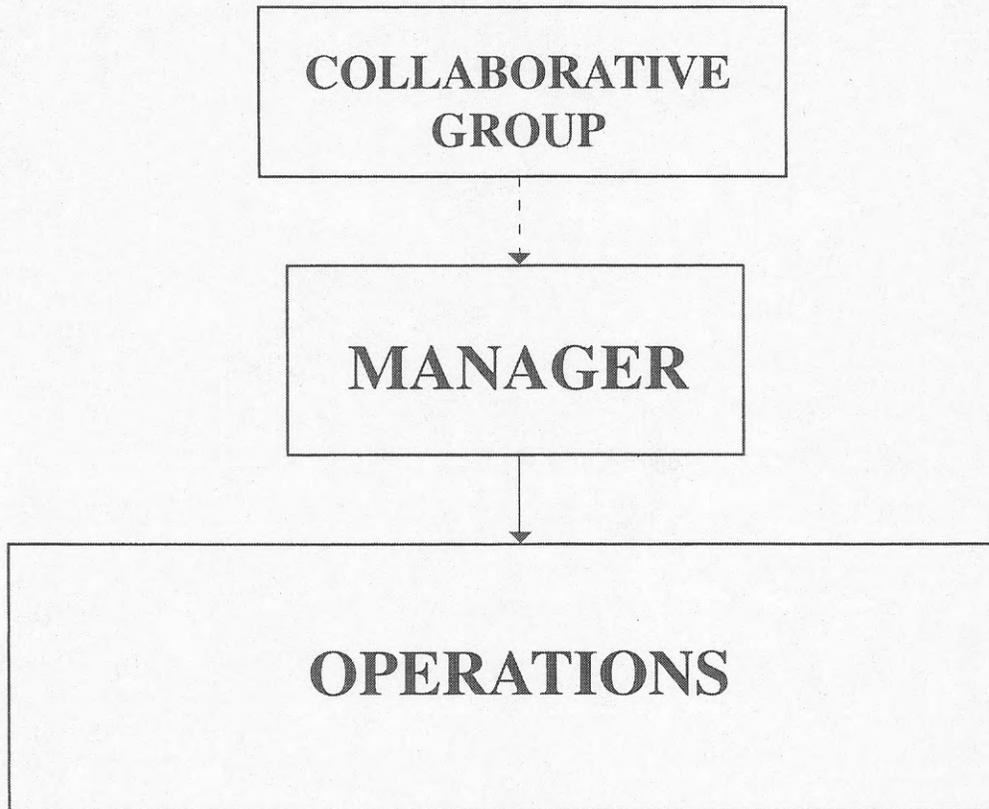


FIGURE 5

**COLLABORATIVE PLANNING AND PUBLIC INPUT PROCESS**

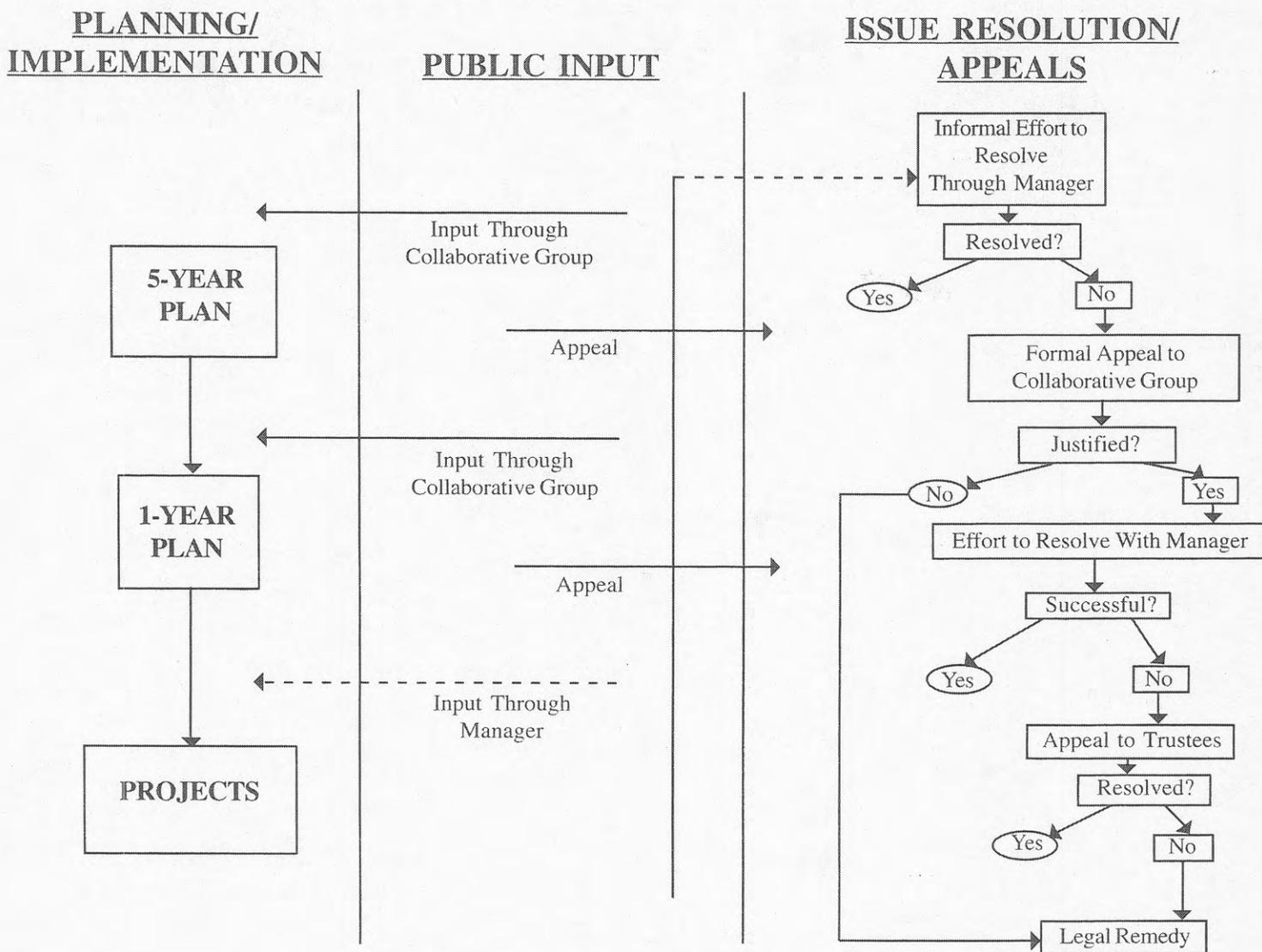
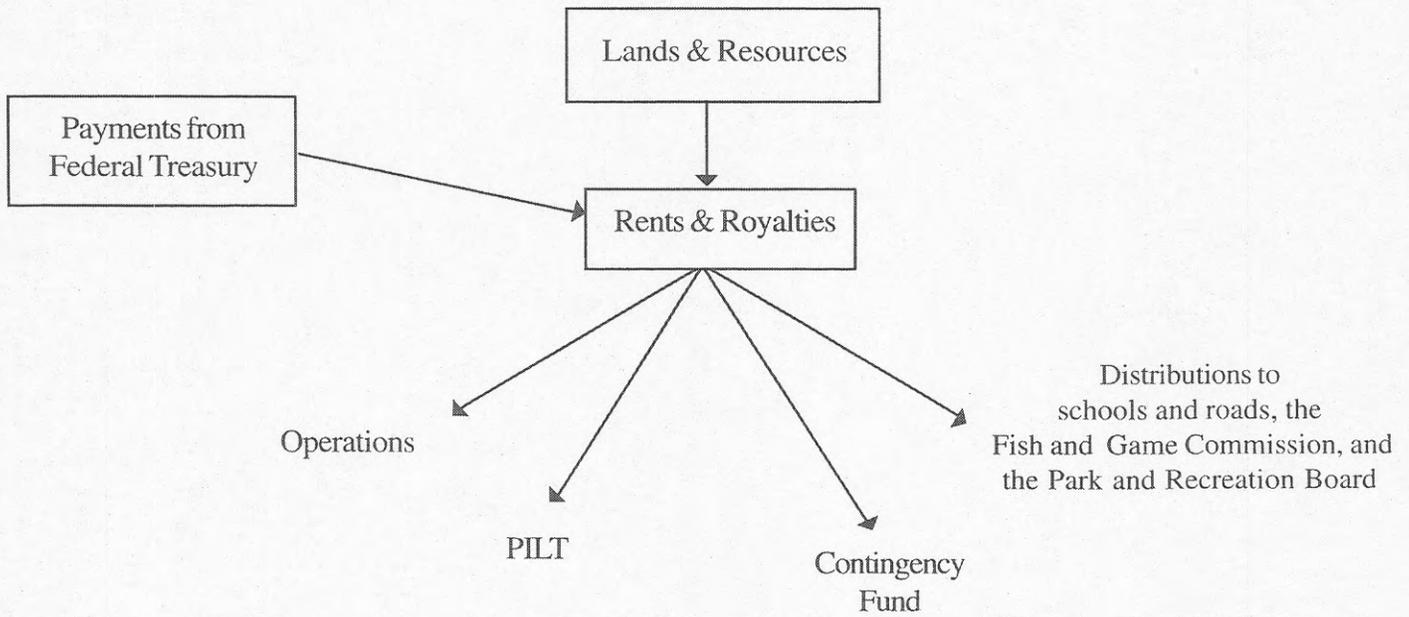


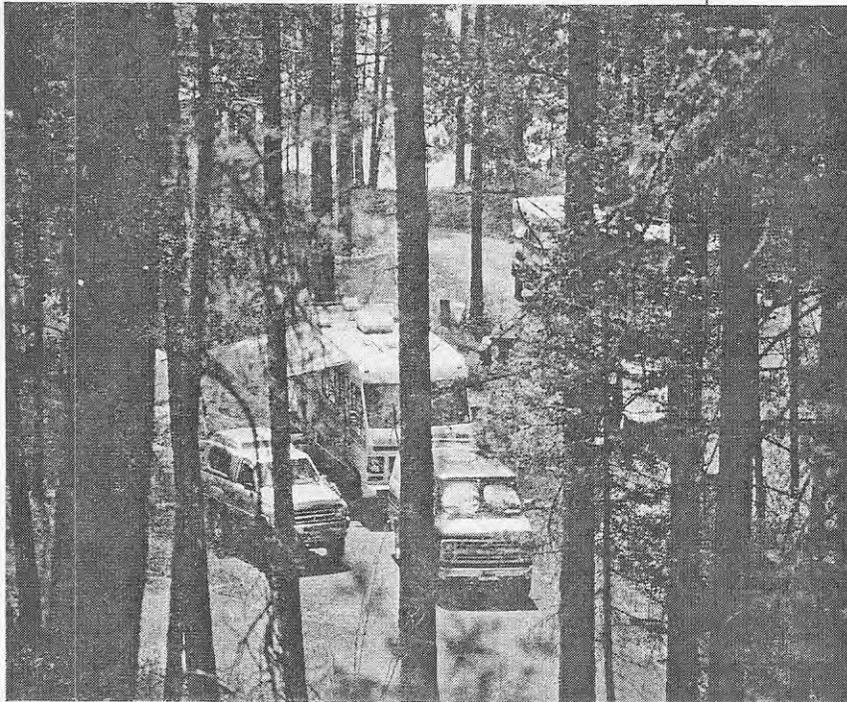
Figure 6

## COLLABORATIVE FINANCE AND CASH FLOW STRUCTURE



### 5.3 The Cooperative Pilot Project

The cooperative pilot project is the only alternative we considered that includes direct involvement of the State of Idaho in the management of federal lands. The ownership of the lands themselves would remain in federal ownership in accordance with our principles. Properly constructed, the pilot project will provide an opportunity for a parcel of mixed federal-state ownership to be managed as a unit.



Development of the cooperative pilot project will require legislation both on the part of Congress and the Idaho Legislature. Such action would designate the pilot project area, the purpose, and the method of achieving the goals. This action would be followed by development and execution of a Memorandum of Agreement between the state and the federal government clearly describing the obligations of each party in the operation of the project. This action would be undertaken under the joint powers authority of the state and federal government.

Figures 7, 8, and 9 (see pp. 38-40) diagram our vision of the pilot project. We expand on the concepts in the figures in the following paragraphs.

#### 5.3.1 Selection of the Cooperative Pilot Project Area

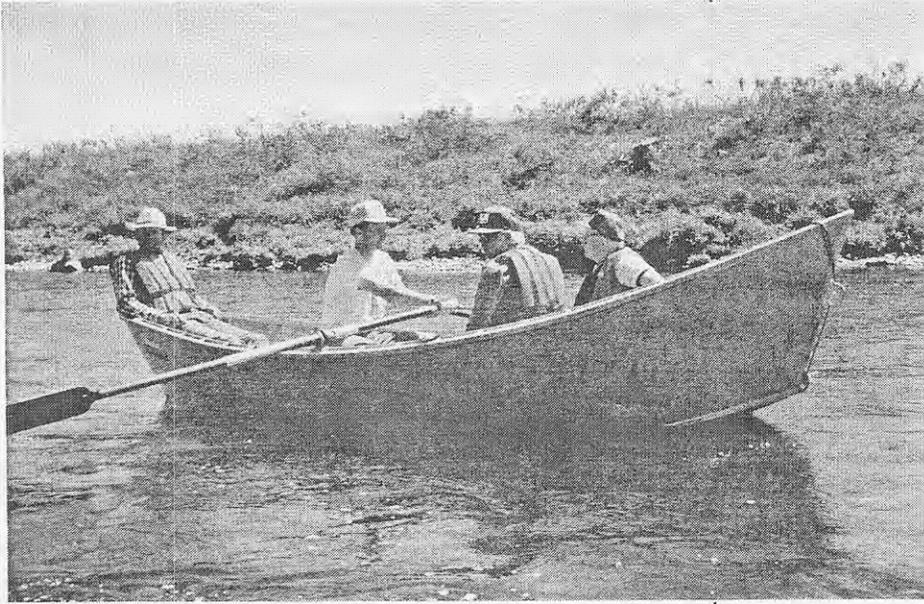
Our criteria for selection of the cooperative pilot project area, which we refer to as the Gem State Cooperative District, are slightly different than those for the other alternatives. As noted above, the pilot project should encompass an area of mixed federal and state land. This mix will emphasize the potential benefits through economies of scale.

This pilot project will be more likely to succeed in a compact geographic area. We therefore recommend selection of a Forest Service ranger district as the pilot project area. We further recommend selection of a ranger district that is geographically separate from the remainder of the national forest to which it is administratively attached. This will help ensure the implementation of the different management system of the Gem State

Cooperative District is not hampered by integration into an administrative hierarchy with a dissimilar management system.

#### 5.3.2 Management Planning and Public Involvement

The proposed management system of the Gem State Cooperative District is diagrammed in Figure 7 (see p. 38). Upon execution of the Memorandum of Agreement between the federal and state governments, the management of the pilot project will be the responsibility of the respective state and federal managers. Neither



relinquishes control over land under their individual authority, but the management is done on a cooperative basis guided by the agreement and mutually developed plans to implement the intent of the agreement. As signatories to the agreement, the State Board of Land Commissioners and the Secretary of Agriculture (or Interior for BLM) serve as the oversight body for implementation of the plan.

As with the other alternatives, the Gem State Cooperative District operations will be directed by five- and one-year plans. These plans will be developed as diagrammed in Figure 8 (see p. 39). A Local Advisory Council, similar to that in the trust

alternative, would manage public input during the planning process. Administrative appeals would be managed by the Local Advisory Council and would be adjudicated by the State Board of Land Commissioners and the federal agency secretary if necessary.

As with the other alternatives, formal administrative appeals would be allowed during the five- and one-year planning processes, but would not be allowed on individual projects.

### 5.3.3 Fiscal Processes

The fiscal support for the Gem State Cooperative District would come from both the federal treasury and the State of Idaho. The extent of funding from each source would be clearly defined in the Memorandum of Agreement supporting the pilot project. A possible approach would be for funding to be provided proportionately based on acreage within the project boundary.

*Skeleton Creek is a fast flowing stream on the Fairfield District on the Sawtooth National Forest. High water much of the spring and early summer makes the multiple-use trail crossing the stream hazardous if not impossible to traverse. When the Treasure Valley Trail Machines Association asked the Forest Service what they thought the most critical trail improvement project need on the district was, they replied, "A bridge over Skeleton Creek."*

*In response, the trail bike club put the project into the club calendar and scheduled a weekend to accomplish the work. Twelve club members showed up on the appointed day and, over two long work days, built the 50-foot bridge using materials available at the site. There was some concern at that time that no one from the Forest Service was there to observe or direct the project.*

*Two weeks later, the club was notified that the bridge was not "official" as the paperwork required by the Forest Service had not yet been completed. The Forest Service gave the club two weeks to REMOVE the bridge. To this day, there is still no bridge across Skeleton Creek.*

Since the objective of the Gem State Cooperative District will likely not be revenue production, funding from both the state and federal government will continue throughout the pilot project period. Some revenue will be produced from the pilot project activities, which will help defer the operational costs of the project as well as public goods expenses. Payment in Lieu of Taxes (PILT) funding will be supported in the same manner as the other alternatives with a minimum per acre level to be established during the pilot project design. We also recommend funding a contingency account to provide for unexpected events and downturns in revenue and funding.

Any revenue remaining after operations, PILT, and contingency funding would be distributed to the state and federal agencies on a proportional basis for disposal according to their respective guidelines.

The cooperative pilot project will require more complex accounting than the other alternatives due to the need to maintain separate accounts for state and federal funding support and revenues. We do not believe this is an insurmountable problem.

#### 5.3.4 Cooperative Pilot Project Summary

The Gem State Cooperative District will use the same planning process as used in the trust and collaborative alternatives, retaining the same opportunities for public involvement and administrative appeals. The Local Advisory Council will ensure the interests of the local citizens are fully considered in the decision-making process. The

council will encourage close communication and cooperation between the federal and state land management agencies. Since successful models of state and federal cooperative agreements are already in operation, this type of pilot project should be relatively easy to implement on the ground.

The Gem State Cooperative District as envisioned in the pilot project, meets our functional objectives as listed on the Functional Objective Tables 1-8 (see pp. 43-50). The Memorandum of



Agreement would establish the cooperative duties of each agency, and would delineate the funding and distribution of revenues. The memorandum, supported by state and federal legislation, would provide formalized plans and stabilized budgets. Managers and local communities would benefit from clear objectives to guide decision making. Fish and wildlife habitat and water quality, would be maintained and enhanced through affirmative decisions, on-the-ground accomplishments, and a stable flow of funds to improve ecosystems and protect resources.

FIGURE 7

**COOPERATIVE MANAGEMENT STRUCTURE**

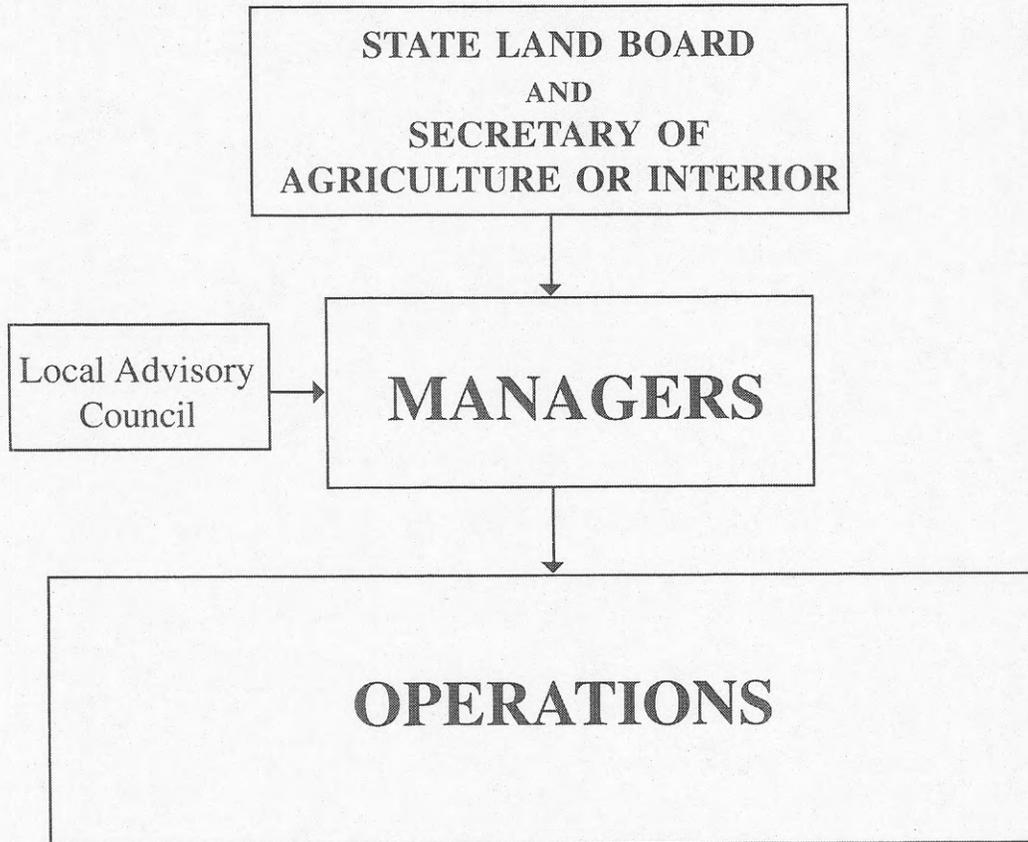


FIGURE 8

**COOPERATIVE PLANNING AND PUBLIC INPUT PROCESS**

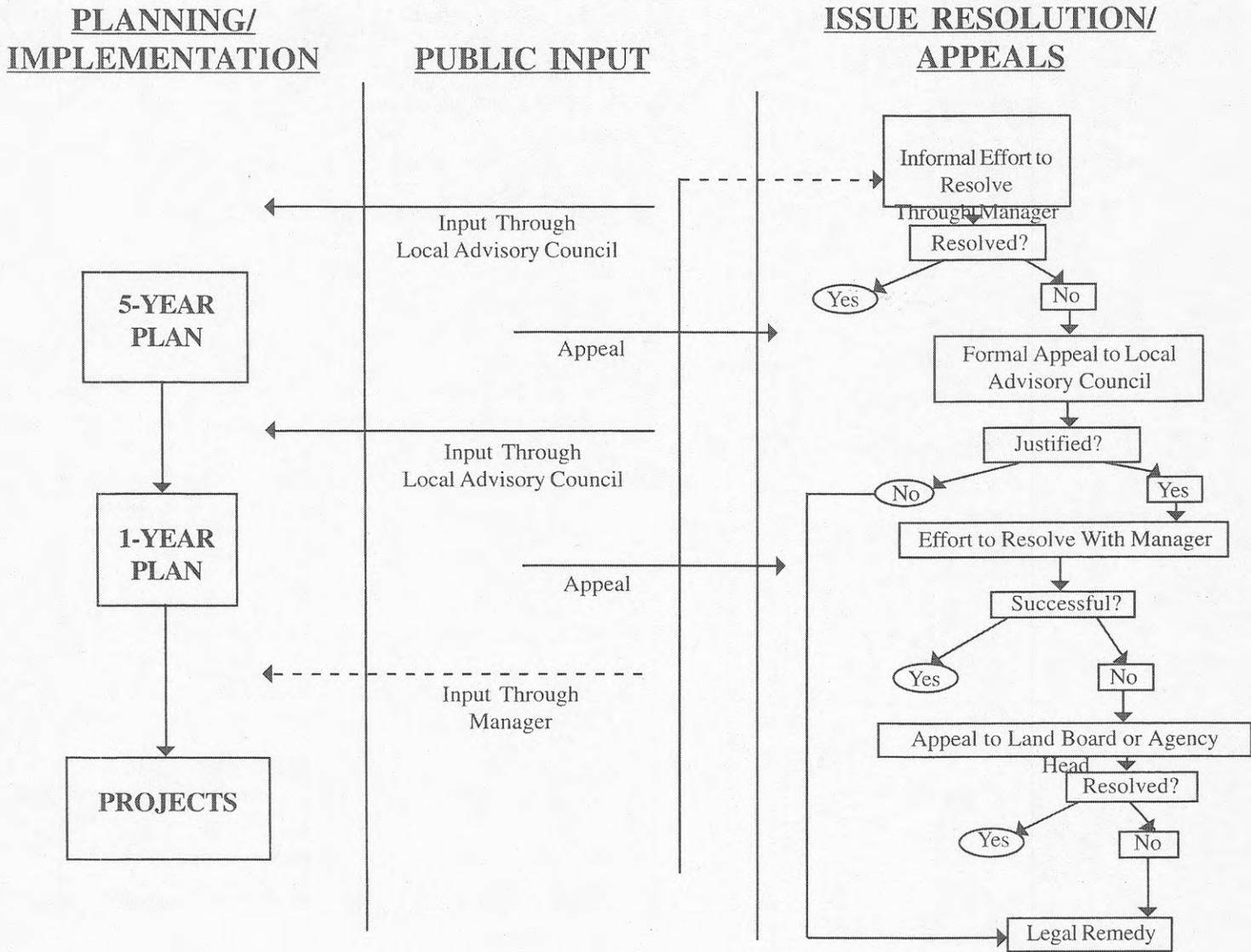
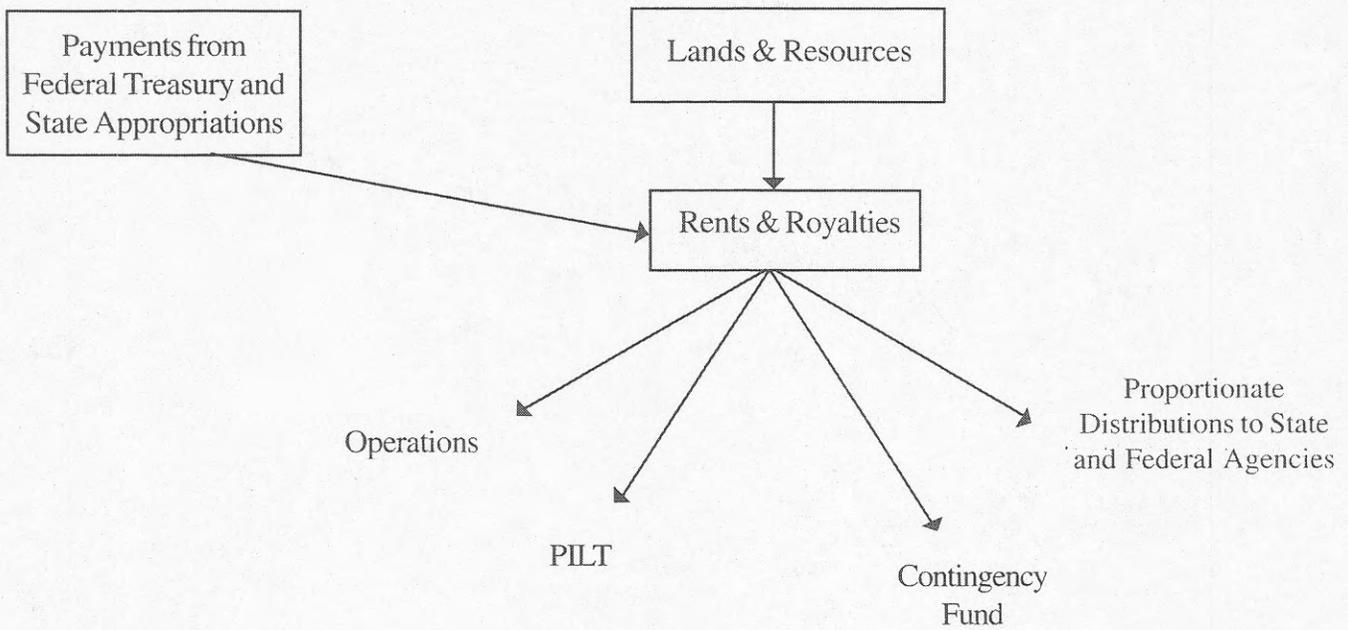


Figure 9

## COOPERATIVE FINANCE AND CASH FLOW STRUCTURE



## 6.0 Findings and Recommendations

In 1983, Marion Clawson noted that we are no less imaginative than the men and women who pressed for the establishment of the national parks, national forests, and grazing districts. "We too can innovate; let us try," he concluded.<sup>15</sup>

In the spirit of Clawson's call for new approaches, we identified several innovative management ideas for federal lands in Idaho. Our ideas stem from a basic belief that gridlock in federal land management is neither desirable nor necessary.



After almost two years of careful observation, interaction with our fellow citizens and federal land managers, and the testimony of numerous witnesses, we find that:

**Finding 1:** The current processes of federal land management have resulted in uncertain decision making, destabilization of resource dependent communities, and deterioration in environmental quality on federal lands. In short, the system is broken.

**Finding 2:** Significant changes to these processes are necessary. The changes proposed in the Upper Columbia River Basin Draft Environmental Impact Statement are not adequate.

We have reviewed several alternative ways to change the current federal land management system to make it more responsive to the needs of people and changing environmental conditions.

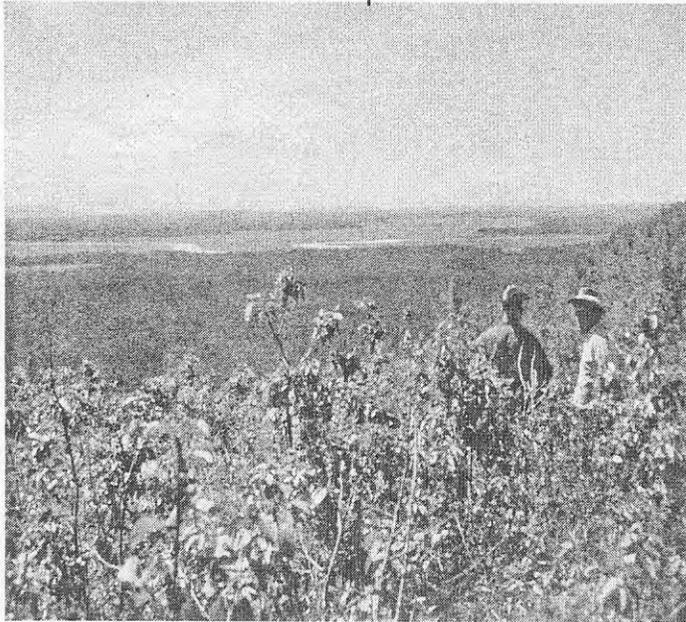
This document details our examination of the trust, collaborative, and cooperative alternatives. Each has potential to improve management processes on federal lands in Idaho, and is worthy of further review and testing on a pilot project basis. The arguments for and against each action alternative are shown in Tables 10, 11, and 12 (see pp. 52-54). If all other things were equal, the trust model of resource management would provide the highest degree of clarity, accountability, enforceability, and sustainability of these three alternatives.

Based on our findings and analysis of the alternatives we recommend that:

### **Recommendation:**

**The State Board of Land Commissioners should pursue a pilot project(s) testing one or more of the action alternatives for federal land management.**

Proper location and design of these pilot projects is vital. A less than optimal design will jeopardize the success of the projects. The locations should be selected to enhance to the greatest degree possible the potential for success. Different alternatives might be appropriate for different locations. For example, an area that would lend itself to a successful trust pilot project might not represent the same level of potential success for a pilot project for the other action alternatives.



environmental impacts of alternative approaches. However, based on our brief review we believe that positive economic returns from a well designed and located pilot project are achievable. We also

believe, based on our review of legislative history, that the required legal and regulatory changes can be accomplished to accommodate the pilot projects we envision. Finally, we firmly believe that environmental quality can be maintained and/or improved in the pilot project area.

Design and implementation of a pilot project should be preceded by a detailed economic analysis and a more thorough review of the changes needed in federal law and regulation. We were not charged nor equipped to provide a thorough examination of the legal and economic implications, or the

Measurable criteria are necessary to judge the success of any project. The Land Board should establish those criteria before embarking on a pilot project, and appoint an objective panel of qualified people to review the operations of the pilot project(s) to determine its success in comparison to the criteria.

**TABLE 1: COMPARISON OF ALTERNATIVES  
FUNCTIONAL OBJECTIVE: INVOLVE THE PUBLIC**

	▲ Federal Statute	△ State Statute	✓ Regulation	• Policy	
	<b>FEDERALLY ADMINISTERED LAND</b>	<b>STATE LAND</b>	<b>TRUST ALTERNATIVE</b>	<b>COLLABORATIVE ALTERNATIVE</b>	<b>COOPERATIVE ALTERNATIVE</b>
	<p>▲ Collaboration with groups of non-federal entities prohibited unless formal advisory committee has been approved.</p> <ul style="list-style-type: none"> <li>• Administrative appeals process available to all citizens.</li> <li>• Forest Service: decision on project appeals made by line manager at local level (Forest Supervisor); may be appealed to regional level (Regional Forester).</li> <li>• BLM: decision on project appeals made at national level by Interior Board of Land Appeals.</li> <li>• Public involvement required on all plans and projects under NEPA.</li> </ul>	<p>△ Open meeting law in Idaho Code applies at State Land Board level.</p> <ul style="list-style-type: none"> <li>• Idaho Dept. of Lands: informal appeal to area managers welcomed; formal appeal to State Land Board.</li> <li>• Public comment solicited during project and annual plan and development.</li> </ul>	<p>▲ Provide process for public input on five- and one-year plans.</p> <ul style="list-style-type: none"> <li>• Scoping is completed by the Local Advisory Council.</li> </ul> <p>▲ The public input process operates within the following time frames:</p> <ol style="list-style-type: none"> <li>1) The draft plan with alternatives is published. Public comments are accepted for 60 days.</li> <li>2) Within 60 days the final draft with the preferred alternative is published.</li> <li>3) Public comment is accepted for 30 days following publication of the final draft.</li> <li>4) The agency decision is published within 30 days of the close of the comment period.</li> </ol> <p>▲ Constructive involvement in the public comment process is required to maintain the right to appeal the decision.</p> <ul style="list-style-type: none"> <li>▲ There is one level of appeal.</li> <li>▲ Projects are not appealable.</li> </ul>	<p>▲ Provide process for public input on five- and one-year plans.</p> <ul style="list-style-type: none"> <li>• Scoping is completed either by collaborative group or managers.</li> </ul> <p>▲ The public input process operates within the following time frames:</p> <ol style="list-style-type: none"> <li>1) The draft plan with alternatives is published. Public comments are accepted for 60 days.</li> <li>2) Within 60 days the final draft with the preferred alternative is published.</li> <li>3) Public comment is accepted for 30 days following publication of the final draft.</li> <li>4) The agency decision is published within 30 days of the close of the comment period.</li> </ol> <p>▲ Constructive involvement in the public comment process is required to maintain the right to appeal the decision.</p> <ul style="list-style-type: none"> <li>▲ There is one level of appeal.</li> <li>▲ Projects are not appealable.</li> </ul>	<p>▲ Provide process for public input on five- and one-year plans.</p> <ul style="list-style-type: none"> <li>• Scoping is completed by Local Advisory Council.</li> </ul> <p>▲ The public input process operates within the following time frames:</p> <ol style="list-style-type: none"> <li>1) The draft plan with alternatives is published. Public comments are accepted for 60 days.</li> <li>2) Within 60 days the final draft with the preferred alternative is published.</li> <li>3) Public comment is accepted for 30 days following publication of the final draft.</li> <li>4) The agency decision is published within 30 days of the close of the comment period.</li> </ol> <p>▲ Constructive involvement in the public comment process is required to maintain the right to appeal the decision.</p> <ul style="list-style-type: none"> <li>▲ There is one level of appeal.</li> <li>▲ Projects are not appealable.</li> </ul>

**TABLE 2: COMPARISON OF ALTERNATIVES**  
**FUNCTIONAL OBJECTIVE: STREAMLINE AND LOCALIZE DECISION MAKING**

▲ Federal Statute	△ State Statute	✓ Regulation	• Policy	
FEDERALLY ADMINISTERED LAND	STATE LAND	TRUST ALTERNATIVE	COLLABORATIVE ALTERNATIVE	COOPERATIVE ALTERNATIVE
<ul style="list-style-type: none"> <li>• Increasingly centralized decision making with manager discretion restricted by rigid standards and guides (INFISH, PACFISH, ICBEMP) and multi-layered appeal, review, and resolution process.</li> </ul>	<ul style="list-style-type: none"> <li>• Decentralized management; local managers responsible for decision making in light of site-specific conditions within broad policy guidelines; responsible for compliance with applicable state and federal laws.</li> </ul>	<ul style="list-style-type: none"> <li>▲ Establishes a six-month planning process.</li> <li>▲ A Local Advisory Council assists in the five-year planning process.</li> <li>• The five-year plan consists of one-year components.</li> <li>▲ There is a single level of consultation.</li> <li>▲ Constructive involvement in the public comment process is required to maintain rights to appeal.</li> <li>▲• There is a single level of appeals.</li> </ul>	<ul style="list-style-type: none"> <li>▲ Establishes a six-month planning process.</li> <li>▲ The collaborative group assists in development of the five-year plan.</li> <li>• The five-year plan consists of one-year components.</li> <li>▲ There is a single level of consultation.</li> <li>▲ Constructive involvement in the public comment process is required to maintain rights to appeal.</li> <li>▲• There is a single level of appeals.</li> </ul>	<ul style="list-style-type: none"> <li>▲ Establishes a six-month planning process.</li> <li>▲ The Local Advisory Council assists in the five-year planning process.</li> <li>• The five-year plan consists of one-year components.</li> <li>▲ There is a single level of consultation.</li> <li>▲ Constructive involvement in the public comment process is required to maintain rights to appeal.</li> <li>▲• There is a single level of appeals.</li> </ul>

**TABLE 3: COMPARISON OF ALTERNATIVES  
FUNCTIONAL OBJECTIVE: PROTECT WATER QUALITY**

▲ Federal Statute

△ State Statute

✓ Regulation

• Policy

FEDERALLY ADMINISTERED LAND	STATE LAND	TRUST ALTERNATIVE	COLLABORATIVE ALTERNATIVE	COOPERATIVE ALTERNATIVE
<ul style="list-style-type: none"> <li>• Adopt forest plan standards for streams.</li> <li>• Monitor compliance with forest plan standards.</li> <li>• Complete sub-basin assessments.</li> <li>• Comply with state EPS, water quality standards.</li> <li>• INFISH for non-listed species.</li> <li>• Slope adjustment factor to modify INFISH.</li> </ul>	<ul style="list-style-type: none"> <li>△▲ Set Water Quality standards.</li> <li>△▲ Develop, revise BMPs to meet standards.</li> <li>△▲ Monitor achievement of standards.</li> <li>Enforce BMPs through:               <ul style="list-style-type: none"> <li>△ FPA</li> <li>• Vegetative Management Plan</li> <li>• Voluntary BMPs for agricultural</li> </ul> </li> <li>△ Mandatory BMPs for surface and placer mining</li> <li>△ Complete CWE to assess problem.</li> <li>△▲ Develop and implement TMDLs through BAGS, WAGS.</li> <li>△ State monitoring, watershed assessments and TMDLs employed for all ownerships.</li> <li>△ FPA rules, as amended for local TMDLs, regulate forest practices.</li> <li>• Protection on site-specific basis.</li> </ul>	<ul style="list-style-type: none"> <li>△ The State Water Quality Plan will be relied on to protect water quality. It includes:               <ul style="list-style-type: none"> <li>△ The Forest Practices Act, the Dredge and Placer Mining Act, the Lake Protection Act, and the Surface Mining Act. Each of these establishes BMPs and minimum requirements to protect water quality.</li> </ul> </li> <li>•✓ Voluntary BMPs for agricultural activities.</li> <li>△✓ The Cumulative Watershed Effects process as a basis for TMDL development on forested watersheds.</li> <li>△✓ Monitoring and adjustment of BMPs to meet water quality standards.</li> </ul>	<ul style="list-style-type: none"> <li>△ The State Water Quality Plan will be relied on to protect water quality. It includes:               <ul style="list-style-type: none"> <li>△ The Forest Practices Act, the Dredge and Placer Mining Act, the Lake Protection Act, and the Surface Mining Act. Each of these establishes BMPs and minimum requirements to protect water quality.</li> </ul> </li> <li>•✓ Voluntary BMPs for agricultural activities.</li> <li>△✓ The Cumulative Watershed Effects process as a basis for TMDL development on forested watersheds.</li> <li>△✓ Monitoring and adjustment of BMPs to meet water quality standards.</li> </ul>	<ul style="list-style-type: none"> <li>△ The State Water Quality Plan will be relied on to protect water quality. It includes:               <ul style="list-style-type: none"> <li>△ The Forest Practices Act, the Dredge and Placer Mining Act, the Lake Protection Act, and the Surface Mining Act. Each of these establishes BMPs and minimum requirements to protect water quality.</li> </ul> </li> <li>•✓ Voluntary BMPs for agricultural activities.</li> <li>△✓ The Cumulative Watershed Effects process as a basis for TMDL development on forested watersheds.</li> <li>△✓ Monitoring and adjustment of BMPs to meet water quality standards.</li> </ul>

**TABLE 4: COMPARISON OF ALTERNATIVES  
FUNCTIONAL OBJECTIVE: PLANNING**

▲ Federal Statute	△ State Statute	✓ Regulation	• Policy	
<b>FEDERALLY ADMINISTERED LAND</b>	<b>STATE LAND</b>	<b>TRUST ALTERNATIVE</b>	<b>COLLABORATIVE ALTERNATIVE</b>	<b>COOPERATIVE ALTERNATIVE</b>
<p>▲ Each National Forest or BLM District prepares comprehensive land and resource management plan (LRMP) for 10-15 year period.</p> <p>• Interior Columbia River basin-wide standards or “required actions” compel two additional levels of planning: 1) Ecosystem Analysis at the Watershed Scale. 2) Sub-basin review.</p> <p>▲ Analysis of environmental impacts of a range of alternatives for a proposed plan.</p> <p>• Analysis must include cumulative effects.</p>	<p>△ State lands must provide “maximum long-term financial return” to beneficiaries.</p> <p>• Annual timber sales plan reviewed and approved by State Land Board.</p> <p>• Impacts of timber sale proposals evaluated and addressed during sale planning process.</p>	<p>▲ Five-year plan includes land allocations, community, social, and economic needs and impacts. It defines expected outputs.</p> <p>▲ The five-year plan requires an EIS and three alternatives.</p> <p>• The one-year plan lists specific projects proposed to fulfill the commitments of the five-year plan.</p> <p>▲ The one-year plan requires an EA.</p> <p>▲ Once the one-year plan is in place, projects proceed without a further decision process. Projects are not appealable.</p> <p>▲ If a project is not covered in the five- or one-year plan, an EIS or EA will be required and will need to go through the public input process.</p>	<p>▲ Five-year plan includes land allocations, community, social, and economic needs and impacts. It defines expected outputs.</p> <p>▲ The five-year plan requires an EIS and three alternatives.</p> <p>• The one-year plan lists specific projects proposed to fulfill the commitments of the five-year plan.</p> <p>▲ The one-year plan requires an EA.</p> <p>▲ Once the one-year plan is in place, projects proceed without a further decision process. Projects are not appealable.</p> <p>▲ If a project is not covered in the five- or one-year plan, an EIS or EA will be required and will need to go through the public input process.</p>	<p>▲ Five-year plan includes land allocations, community, social, and economic needs and impacts. It defines expected outputs.</p> <p>▲ The five-year plan requires an EIS and three alternatives.</p> <p>• The one-year plan lists specific projects proposed to fulfill the commitments of the five-year plan.</p> <p>▲ The one-year plan requires an EA.</p> <p>▲ Once the one-year plan is in place, projects proceed without a further decision process. Projects are not appealable.</p> <p>▲ If a project is not covered in the five- or one-year plan, an EIS or EA will be required and will need to go through the public input process.</p>

**TABLE 5: COMPARISON OF ALTERNATIVES  
FUNCTIONAL OBJECTIVE: PROTECT SPECIES (All Species)**

▲ Federal Statute	△ State Statute	✓ Regulation	• Policy	
FEDERALLY ADMINISTERED LAND	STATELAND	TRUST ALTERNATIVE	COLLABORATIVE ALTERNATIVE	COOPERATIVE ALTERNATIVE
<ul style="list-style-type: none"> <li>• INFISH; ICBEMP Standards and Guides; 200 feet on fish bearing streams; 150 or 100 feet on all other streams. No timber harvest.</li> <li>✓ Minimum viability protection for all species under NFMA.</li> </ul>	<ul style="list-style-type: none"> <li>△ Implement forest practices to maintain and enhance habitat for wildlife and aquatic life under Forest Practices Act (FPA).</li> <li>✓ FPA Minimum Standards; 75 feet on Class 1 (fish bearing) streams; 30 feet on all other streams. Minimum shade and stem retention requirements.</li> <li>• Develop projects so they protect or improve wildlife habitat.</li> <li>• Identify and provide for protection or improvement of habitat essential for continued existence of species.</li> <li>• Vegetative Management Plan.</li> <li>• Voluntary BMPs for agricultural activities.</li> <li>△ Mandatory BMPs for surface and placer mining.</li> </ul>	<ul style="list-style-type: none"> <li>△ The Forest Practices Act, Dredge and Placer Mining Act, Surface Mining Act, Lake Protection Act, and vegetative management planning process are designed to protect water and resources and thereby protect habitat necessary for wildlife and fish.</li> <li>▲ An EIS, addressing fish and wildlife issues and impacts, is required at the five-year plan level.</li> <li>▲ An EA, providing more specific fish and wildlife impact and protection actions, is required at the one-year plan level.</li> <li>▲ Money is available for habitat protection and restoration through the “public goods” and payments to beneficiaries.</li> </ul>	<ul style="list-style-type: none"> <li>△ The Forest Practices Act, Dredge and Placer Mining Act, Surface Mining Act, Lake Protection Act, and vegetative management planning process are designed to protect water and resources and thereby protect habitat necessary for wildlife and fish.</li> <li>▲ An EIS, addressing fish and wildlife issues and impacts, is required at the five-year plan level.</li> <li>▲ An EA, providing more specific fish and wildlife impact and protection actions, is required at the one-year plan level.</li> <li>▲ Money for habitat protection and restoration activities available through current appropriations process and revenue generating activities as determined by the collaborative group.</li> </ul>	<ul style="list-style-type: none"> <li>△ The Forest Practices Act, Dredge and Placer Mining Act, Surface Mining Act, Lake Protection Act, and vegetative management planning process are designed to protect water and resources and thereby protect habitat necessary for wildlife and fish.</li> <li>▲ An EIS, addressing fish and wildlife issues and impacts, is required at the five-year plan level.</li> <li>▲ An EA, providing more specific fish and wildlife impact and protection actions, is required at the one-year plan level.</li> <li>▲ Money for habitat protection and restoration activities available through current appropriations process and revenue generating activities in accordance with Memorandum of Agreement.</li> </ul>

**TABLE 6: COMPARISON OF ALTERNATIVES**  
**FUNCTIONAL OBJECTIVE: PROTECT SPECIES (Threatened and Endangered Species)**

▲ Federal Statute	△ State Statute	✓ Regulation	• Policy	
FEDERALLY ADMINISTERED LAND	STATE LAND	TRUST ALTERNATIVE	COLLABORATIVE ALTERNATIVE	COOPERATIVE ALTERNATIVE
<p>▲ No "take," either directly or through habitat modification, of a protected species.</p> <p>• Enhanced riparian habitat protection (PACFISH, FEMAT); minimum 300 feet on fish bearing streams, 150 or 100 feet otherwise. No timber harvest.</p> <p>▲ No adverse modification of designated critical habitat.</p> <p>▲• No jeopardy of protected species.</p> <p>▲ Consultation on non-federal projects if federal permit required. Consultation takes place on policies, all levels of plans, and individual projects.</p> <p>• or ✓ Cooperation with NMFS and F&amp;WS in designating critical habitat.</p>	<p>▲ No "take," either directly or through habitat modification, of a protected species.</p> <p>• Governor's Bull Trout Recovery Plan.</p>	<p>▲ Consultation with the Fish and Wildlife Service and National Marine Fisheries Service is required at the project level only. Taking of listed species is prohibited.</p> <p>▲ Money is available for habitat protection and restoration through payments for "public goods" and to beneficiaries.</p>	<p>▲ Consultation with the Fish and Wildlife Service and National Marine Fisheries Service is required at the project level only. Taking of listed species is prohibited.</p> <p>▲ Money for habitat protection and restoration activities available through current appropriations process and revenue generating activities as determined by the collaborative group.</p>	<p>▲ Consultation with the Fish and Wildlife Service and National Marine Fisheries Service is required at the project level only. Taking of listed species is prohibited.</p> <p>▲ Money for habitat protection and restoration activities available through current appropriations process and revenue generating activities in accordance with Memorandum of Agreement.</p>

**TABLE 7: COMPARISON OF ALTERNATIVES  
FUNCTIONAL OBJECTIVE: STABILIZE BUDGETS**

▲ Federal Statute	△ State Statute	✓ Regulation	• Policy	
FEDERALLY ADMINISTERED LAND	STATE LAND	TRUST ALTERNATIVE	COLLABORATIVE ALTERNATIVE	COOPERATIVE ALTERNATIVE
<p>▲ Congress sets annual budgets for each major category program.</p> <p>▲ FPA "plan" acts as a general guide for the appropriations process.</p> <p>▲ Congress exercises its authority to emphasize its own priorities through earmarking money and other funding decisions.</p> <p>▲ The Forest Service uses some percentage of timber and range receipts (i.e., "trust funds") to meet much of their program costs.</p>	<p>△ Legislature considers "decision units" for new spending, plus make yearly decisions for major program categories.</p> <p>• In recent years, legislature has funded increasing amounts of state land management from timber receipts.</p>	<p>▲ The operation of the trust is funded from the proceeds of the trust rather than congressional appropriations.</p> <p>▲ A contingency fund is established for unforeseen and emergency circumstances.</p> <p>▲ An earnings reserve account is managed to adjust for fluctuations in the flow of proceeds from the trust.</p>	<p>▲ Operations are funded from the proceeds of revenue producing projects and from state and congressional appropriations.</p> <p>▲ A contingency fund is established for unforeseen and emergency circumstances.</p> <p>▲ An earnings reserve account is managed to adjust for fluctuations in the flow of management proceeds.</p>	<p>▲ Operations are funded from the proceeds of revenue producing projects and from state and congressional appropriations.</p> <p>▲ A contingency fund is established for unforeseen and emergency circumstances.</p> <p>▲ An earnings reserve account is managed to adjust for fluctuations in the flow of management proceeds.</p>

**TABLE 8: COMPARISON OF ALTERNATIVES**  
**FUNCTIONAL OBJECTIVE: IMPROVE COMMUNITY STABILITY**

	▲ Federal Statute	△ State Statute	✓ Regulation	• Policy
FEDERALLY ADMINISTERED LAND	STATE LAND	TRUST ALTERNATIVE	COLLABORATIVE ALTERNATIVE	COOPERATIVE ALTERNATIVE
<p>▲ 16USC 500 authorizes 25 percent of national forest receipts be given to counties.</p> <p>▲ 16USC 1601 — payments in lieu of taxes.</p> <p>▲ 16USC 528 defines multiple uses of national forests and declares lands are to be managed for a “sustained yield” of renewable resources.</p> <p>▲ 16USC 1614 calls for “assessments” of demands for national forest goods and services, along with a “program” to meet those needs.</p> <p>▲ 16USC 1600 calls for individual national plans and further defines acceptable methods and levels of timber harvests.</p> <p>▲ Various code sections restrict offshore exports of unprocessed logs from national forest lands.</p> <p>▲ 16USC 583 allows the establishment of “sustained yield units” to provide a steady supply of timber to local mills.</p>	<p>△ Proceeds from state trust lands provide over \$50 million annually for public schools and other endowed institutions.</p> <p>△ Preference is given to in-state forest product manufacturers for purchasing state timber sales.</p>	<p>▲ PILT payments are guaranteed and distributed prior to any distribution to other beneficiaries.</p> <p>▲ Expected outputs are identified in the five-year plans. This helps provide a diverse economy.</p> <p>▲ The planning process is completed in six months.</p> <p>▲ Projects are not appealable.</p> <p>▲ A Local Advisory Council helps develop the five-year plan and serves as the first level of appeal.</p>	<p>▲ PILT payments are guaranteed to counties.</p> <p>▲ Expected outputs are identified in the five-year plans. This helps provide a diverse economy.</p> <p>▲ The planning process is completed in six months.</p> <p>▲ Projects are not appealable.</p> <p>▲ A diverse collaborative group may reduce appeals through multi-interest in design of the five-year plan.</p>	<p>▲ PILT payments are guaranteed to counties.</p> <p>▲ Expected outputs are identified in the five-year plans. This helps provide a diverse economy.</p> <p>▲ The planning process is completed in six months.</p> <p>▲ Projects are not appealable.</p> <p>▲ Consistent management directives in the Memorandum of Agreement provide consistent decisions; everyone plays by the same rules.</p> <p>▲ A Local Advisory Council helps develop the five-year plan and serves as the first level of appeal.</p>

**Table 9: Arguments For and Against No Action Alternative**

Arguments For	Arguments Against
Ecosystem-based management has evolved under the current management system.	There is no statutory authority for ecosystem-based management.
Vegetation communities, watersheds, and wildlife habitats are ecosystems.	Boundaries of ecosystems do not reflect the realities of managing resources in different political jurisdictions and different ownerships.
Ecosystem-based resource management assessments reveal some resource conditions have deteriorated and need active management.	The current system promotes stalemate between competing interests and inhibits resource management decisions due to gridlock.
Budget dollars for resource management are allocated through elected representatives in Congress.	Resource management requires long-term commitments of funds that political processes may not be capable of sustaining.
Public involvement opportunities are many and can impact resource management decisions.	Decisions take a long time and are subject to change.
Bottom-up resource management process reflects local resource conditions.	Federal ecosystem-based management is done at the regional scale and is a top-down process.
Effective resource management promotes managerial flexibility to adapt to local conditions.	Federal ecosystem management is based on prescriptive standards developed at a regional scale that may not reflect local conditions.
	The numerous standards and decision processes inherent in ecosystem management make it easy to delay or stop on-the-ground projects.

Table 10: Arguments For and Against the Trust Alternative

Arguments For	Arguments Against
Model is in widespread use: 135 million acres of state land in 22 states; fifteen million acres of private land.	Legislation required to establish the trust.
Clarity of mission statement.	Perception that the only purpose of the trust is revenue generation.
Perpetuity principle enhances sustainable resource management to conserve the principle assets of the fund.	Perception that trust lands are not managed on a sustainable basis.
Enforceable through fiduciary responsibility of trustees and managers to beneficiaries.	Selection of inclusive groups of trustees to represent various resource interests, and national as well as local perspectives.
Managers accountable to report financial transactions.	Trust concept is somewhat complex and difficult to explain.
Public involvement opportunities are the same as under the current situation.	Perception that there are fewer opportunities for public involvement.
Stable source of funding for resource management and local communities.	Start-up funds and safety net funds may be required.
Without law suits and broad appeal processes projects are more difficult to stop.	Limits the number of parties that can sue to the beneficiaries except for third party actions under NEPA, CWA, and ESA.

**Table 11: Arguments For and Against the Collaborative Alternative**

Arguments For	Arguments Against
Resource management decisions are based on local resource conditions.	There are national interests in federal lands that may not be represented without final authority of federal officials.
Meaningful public involvement of community-based interests guarantees inclusion in resource management decisions.	Legislation required to vest local decision-making council with authority.
Decisions based on local perceptions of resource values.	Difficult to choose inclusive set of members of decision-making council.
Dispute resolution process not managed by resource managers who may have conflicts of interest.	Difficult to come to consensus decisions among competing interests.
Decisions based on areas of agreement among affected interests.	Some interests may not be willing to participate in binding decisions that may compromise their values.
Does not require change in current multiple-use mission statement.	The multiple-use mission is a vague concept subject to dispute among competing interests.
Public attitudes toward collaborative processes are favorable.	Collaborative processes currently used are not binding on the manager.
May limit appeals by involving diverse group of interests in the decision-making process.	Without specific, binding, decision-making authority, there is no incentive to collaborate.
	May be less efficient than other models.
	Takes a lot of time.

Table 12: Arguments For and Against the Cooperative Alternative

Arguments For	Arguments Against
Localizes decision-making process. Agreements may be structured in a variety of ways to meet the local needs.	Legislation would be required to vest cooperative managers with decision-making authority.
Retains some federal authority in decision making.	Difficult to balance national interest with local interests.
Cooperative management is currently used successfully; City of Rocks National Reserve in southern Idaho for example.	May not be effective for large areas of land managed under a multiple-use mission.
Allows federal land to be managed under less cumbersome state planning and decision processes.	State planning and decision processes are not perceived to be as comprehensive as federal planning processes.
The concept is simple.	

## APPENDIX A

### FEDERAL LANDS TASK FORCE MEETINGS

October 29 & 30, 1996	Boise, Idaho
November 20, 1996	Boise, Idaho
January 17 & 18, 1997	Boise, Idaho
February 21 & 22, 1997	Boise, Idaho
March 21, 1997	Boise, Idaho
April 18 & 19, 1997	Boise, Idaho
May 16, 1997	Burley, Idaho
May 17, 1997	City of Rocks Field Trip
June 20, 1997	Salmon, Idaho
July 15, 1997	Orofino Field Trip
July 16 & 17, 1997	Orofino, Idaho
August 21 & 22, 1997	Hayden Lake, Idaho
September 23, 1997	Priest Lake Field Trip
September 24, 1997	Sandpoint, Idaho
October 9 & 10, 1997	McCall, Idaho
November 20 & 21, 1997	Lewiston, Idaho
January 16 & 17, 1998	Boise, Idaho
February 12 & 13, 1998	Boise, Idaho
March 20 & 21, 1998	Boise, Idaho
April 17, 1998	Boise, Idaho
May 15, 1998	Boise, Idaho
June 19, 1998	Boise, Idaho

### NON-MEMBER ATTENDEES

Adams, Rollie	Berriochoa, Lynette
Aguilar, Pat	Boling, Kevin
Alexander, Dave	Boyle, Judy
Asleson, David "Norgie"	Braasch, Sara
Auld, Scot	Bradetich, Doug
Bachman, Sandy	Braun, Christa
Bacon, Dick	Bruneel, Frank
Baker, Shirley	Brunelle, Andy
Barclay, Pat	Bryngelson, Fanny
Barrett, Lenore Hardy	Campbell, John
Bartlett, Paul	Carr, Alvin
Bartlett, Phil	Carroll, Frank
Bass, Dick	Carroll, Matt
Bedke, Ray	Caswell, Jim
Behrens, Tracy	Cenarrusa, Pete
Bell, Jack	Chenoweth, Helen
Benedick, Lou	Clay, Henry L.
Bennett, Ray	Cobb, Fields
Bentley, John	Cole, Pat

Com, Ray  
Coyner, Barbara  
Coyner, Clover  
Crow, Gordon  
Daniels, L.L.  
Davis, Phil  
Davis, Stanley B.  
DeBoer, Judd  
Deckard, Jerry  
Dennison, Lawrence  
Dillard, Dave  
Dinning, Merle  
Dixon, Don  
Dodds, Earl  
Dorn, Doug  
Driver, Jerry  
Dunstan, Kent  
Eichert, Joe  
Ellis, Jack  
Enneking, George  
Fairfax, Sally  
Falter, Mike  
Feldman, Murray  
Fenwick, Loel  
Ferrell, Jared  
Foster, Jon  
Fox, Anne  
Fryberg, Larry  
Fuellenbach, Kent  
Furman, Richard  
Geary, Tom  
Gehrke, Craig  
Gestrin, Terry  
Getty, Allen  
Gorsuch, Jane A.  
Gunderson, Steve  
Haeder, Dewey  
Hamilton, Ron  
Hartig, Ron  
Hasselstrom, Kathie  
Hedrick, Howard  
Heinrich, Lee  
Hintze, Lin  
Hoaglun, Brad  
Hohle, Janet  
Hollister, Buell  
Houston, Ray  
Hughes, Phil  
Hundrup, Wyatt

Irby, Alex  
Jackson, Ned R.  
Jansson, Roger  
Johns, Bob  
Johnson, Dan  
Johnson, Nels  
Johnson, Tammy  
Jones, Chuck  
Jones, Jennifer  
Kahler, Nancy  
Kaiser, Larry  
Keafer, Sheldon  
Keegan, Charles  
Kempton, Jim  
Keough, Shawn  
Kerr, Tom  
Kestie, Howard  
Kiebert, Susan  
Klemm, Jerry  
Krebs, John  
Kreizenbeck, Jason  
Krosting, David  
Lance, Al  
LeVere, Bill  
Little, Brad  
Littlejohn, Bob  
Litz, Ron  
Loftus, Bill  
Love, Bill  
Lyons, Jim  
Mader, Dan  
Matejko, George  
May, Jim  
Maynard, Bob  
McCarthy, John  
McCoy, Pat  
McDonald, Esther  
McFarland, Dave  
McGreer, Dale  
McGregor, Betty  
McKetta, Charley  
Mealey, Steve  
Mulligan, Bill  
Myers, Bill  
Nelson, Greg  
Newman, Leon  
Nisbet, Marian  
Noh, Laird  
Noritake, Judy

Norrie, Ken  
Norris, Linda  
Opdahl, Barb  
O'Brien, Dave  
O'Toole, Randal  
Peck, Ethel  
Pendley, William Perry  
Penney, Michael J.  
Phillips, Roger  
Pichens, Barbara  
Pickett, Earl  
Pinkham, Jamie  
Postma, Ken  
Prescott, Ray  
Quigley, Mike  
Rennebaum, Fritz  
Rey, Mark  
Richman, Diana S.  
Rieman, Bruce  
Riggs, Jack  
Rittenhouse, Dave  
Roach, Lorraine  
Roberts, John  
Robison, Hank  
Rose, Jim  
Rydalch, Ann  
Samples, Rick  
Schroder, Gerald  
Schroeder, Alan  
Schuster, Steve  
Sebby, Ken  
Seigg, Roger  
Sept, Jack  
Shepherd, David  
Shepherd, Ron  
Shiplett, Brian  
Short, Shelly  
Skille, Jack

Skinner, Tom  
Smith, Glenn  
Snow, David  
Solomon, Mark  
Sprengel, Mark  
Squires, Owen  
Storey, Robin  
Stringer, Joe  
Steubner, Steve  
Sullins, Tony  
Taylor, Bryce  
Thomson, Eric  
Thorsen, Steven L.  
Trapani, Jude  
Trent, Tracey  
Van De Graaff, Dave  
Von Tagen, Bill  
Wallace, Jennifer  
Ward, Venna  
Watson, Kevin  
West, Gordon  
White, HW  
White, Wes  
Whittaker, Perry  
Wickline, Mike  
Wiederrick, Alberta  
Wiggins, Winston  
Wilkes, Carl  
Willhite, Dick  
Williams, J.D.  
Williams, Milt  
Wilson, Dale  
Wilson, Jim  
Woodie, Judy  
Wright, Dave  
Yost, Jim  
Youtz, Jeff  
Yuncevich, Greg

**APPENDIX B**  
**IDAHO CODE 67-2328**

**67-2328 Joint exercise of powers -**

(a) Any power, privilege or authority, authorized by the Idaho Constitution, statute or charter, held by the state of Idaho or a public agency of said state, may be exercised and enjoyed jointly with the state of Idaho or any other public agency of this state having the same powers, privilege or authority; but never beyond the limitation of such powers, privileges or authority; and the state or public agency of the state, may exercise such powers, privileges and authority jointly with the United States, any other state, or public agency or any of them, to the extent that the laws of the United States or her sister state, grant similar powers privileges or authority, to the United States and its public agencies, or to the sister state and its public agencies; and provided the laws of the United States or a sister state allow such exercise of joint power, privilege or authority. The state or any public agency thereof when acting jointly with another public agency of this state may exercise and enjoy the power, privilege and authority conferred by this act; but nothing in this act shall be construed to extend the jurisdiction, power, privilege or authority of the state or public agency thereof, beyond the power, privilege or authority said state or public agency might have if acting alone.

(b) Any state or public agency may enter into agreements with one another for joint or cooperative action which includes, but is not limited to, joint use, ownership and/or operation agreements pursuant to the provisions of this act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of these participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following:

- (1) Its duration.
- (2) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.
- (3) Its purpose or purposes.
- (4) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
- (5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
- (6) Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (1), (3), (4), (5), and (6) of subsection (c) of this section, contain the following:

- (1) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented.
- (2) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.
- (3) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performances may be offered in satisfaction of the obligation or responsibility. [1970, ch. 38, § 3, p. 82; am 1981, ch. 231, § 2, p. 469; am. 1984, ch. 72, § 3, p. 133; am. 1992, ch. 114, § 2, p. 343.]

**APPENDIX C**  
**TASK FORCE MEMBERS**

Bachman, Bill	Appointed September, 1996
Bedke, Scott	Appointed September, 1996
Brown, Scott	Appointed August, 1997 Resigned March, 1998
Christiansen, Neal	Substitute
Church, Phil	Appointed September, 1996
Collins, Clark	Appointed September, 1996
Cook, Adena	Substitute
Cuddy, Chuck	Appointed September, 1996
Danielson, Judi	Appointed September, 1996
Dokken, William	Substitute
Ferrell, Yvonne	Substitute
Foruria, Lou	Appointed October, 1996
Freemuth, John	Appointed September, 1996 Resigned March, 1998
Hinson, Joe	Appointed September, 1996
Krall, Clayton	Appointed September, 1996 Resigned March, 1997
Lombard, Ernest	Appointed September, 1996
Lyman, Jack	Appointed March, 1997
Medberry, Mike	Appointed September, 1996 Resigned August, 1997
Meiers, Richard	Appointed September, 1996
O'Laughlin, Jay	Appointed October, 1996
Peterson, Jack	Appointed September, 1996 Resigned December, 1996
Soulen, Margaret	Appointed September, 1996
Stokes, Heber	Appointed September, 1996
Westfall, Doug	Appointed September, 1996

**EX-OFFICIO**

Hamilton, Stan	Appointed September, 1996
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**APPENDIX D**  
**FEDERAL LANDS TASK FORCE CHARGE**

The State Board of Land Commissioners charged the Task Force:

“... to address all federal managed public lands within the state of Idaho. There is considerable discussion throughout the United States about the purposes of public lands, and how those purposes can best be achieved. Often, the conversations turn to the question of whether the various states could better manage public lands. Could the state of Idaho manage public lands within Idaho more economically, more sensitively to the environment, and more to the benefit to the people who utilize public lands for jobs, goods, services, and recreation?”

The initial objectives of the Task Force were to:

- a. Determine how Senate Bill 1354, or portions thereof, might be incorporated into the Task Force deliberations, how it might be implemented as a whole, or in part, and what specific actions must occur to carry out the intent of the bill;
- b. Determine which public lands could be assigned by Congress to the management responsibility of the state of Idaho;
- c. Determine how, and under what terms and conditions (economic, environmental, recreational, jobs, etc.) identified lands could be assigned to the management responsibility of the state of Idaho;
- d. Establish and define the management objective(s) for the state management of public lands in Idaho; and,
- e. Determine how, and by whom, a state management program on federal public lands could be evaluated and monitored.

## SOURCES

- Forest Options Group. Options for the Forest Service 2nd Century - The Draft Report of the Forest Options Group. Oak Grove: Thoreau Institute. 1998.
- Idaho Association of Counties. Idaho Public Land Facts & Figures 1996. Idaho Association of Counties. 1996.
- Keegan III, Charles E., Daniel P. Wichman, Michael J. Niccolucci, and Ervin G. Schuster. "Timber Management Costs: A Comparison Among Major Landowners in Idaho and Montana." Montana Business Quarterly. September 1996.
- Lee, Robert G. Broken Trust Broken Land - Freeing Ourselves From The War Over The Environment. Wilsonville: BookPartners, Inc. 1994.
- O'Laughlin, Jay, Wyatt R. Hundrup, and Philip S. Cook. History and Analysis of Federally Administered Lands in Idaho. Review Draft. Moscow: University of Idaho. 1998.
- O'Laughlin, Jay. Idaho's Endowment Lands: A Matter of Sacred Trust. Moscow: University of Idaho. 1990.
- Owyhee County Land Use Planning Committee. Owyhee County Land Use and Management Plan for Federal and State Managed Lands. Owyhee County Land Use Planning Committee. 1997.
- Power, T.M. Economic Well-Being and Environmental Protection in the Pacific Northwest. Missoula: University of Montana. 1995.
- Rasker, Ray (The Wilderness Society). A New Home on the Range. Bozeman: Color World Printers. 1995.
- Schmit, Lara, and Ray Rasker (The Wilderness Society). Federal Lands Payment Programs in the Columbia River Basin. Bozeman: Color World Printers. 1996.
- Souder, Jon A., and Sally K. Fairfax. State Trust Lands History, Management, and Sustainable Use. Lawrence: University Press of Kansas. 1996.
- United States Department of Agriculture Forest Service. The Principal Laws Relating to Forest Service Activities. Washington, D.C.: U.S. Government. 1993.
- United States Department of Agriculture Forest Service Northern Region. Clearwater National Forest Monitoring & Evaluation Report Fiscal Year 1995. 1996.
- United States Department of the Interior Bureau of Land Management. Public Land Statistics 1996. Washington, D.C.: U.S. Government. 1997.
- United States General Accounting Office. Public Timber: Federal and State Programs Differ Significantly in Pacific Northwest. U.S. General Accounting Office. 1996.
- United States General Accounting Office. Forest Service Decision-Making: A Framework for Improving Performance. U.S. General Accounting Office. 1997.
- Williams, J.D. Taking Control of Federal Lands: A good deal for Idaho? Boise. 1995.

## ENDNOTES

1. Robert H. Nelson, Government as theater: toward a new paradigm for the public lands (University of Colorado Law Review, 1994), 65:335-368.
2. Marion Clawson, The Federal Lands Revisited (John Hopkins University Press, 1984), 199.
3. Randal O'Toole, Reforming the Forest Service (Washington, D.C.: Island Press, 1988), 248.
4. See Jay O'Laughlin, Wyatt R. Hundrup, and Philip S. Cook, History and Analysis of Federally Administered Land in Idaho. Report No. 16 Idaho Forest, Wildlife, and Range Policy Analysis Group, (Moscow: University of Idaho, 1998).
5. USDA Forest Service, Monitoring Report Summary. Fiscal Year 1995 Salmon and Challis National Forests (Salmon, Idaho, 1995), 12.
6. Richard W. Haynes, Amy L. Horne, James A. Burchfield, and Steve F. McCool, "February 1996 and February 1997 EIS versions: Changes in Effects - Social-Economic" Evaluation of EIS Alternatives by the Science Integration Team, Volume II USDA Forest Service, PNW-GTR-406 (Portland: Pacific Northwest Research Station, 1997), 930-931.
7. Ibid.
8. Between 1990 and 1995, federal timber sales in the eastside region fell 80% from 1.6 billion board feet to 316 million. In Idaho and western Montana during the same period, federal timber sales fell 61%, from 1.145 billion board feet (715 million in Idaho) to 441 million (293 million in Idaho). Following the analytical approach of the ICBEMP scientists, this results in a loss of 1,700 jobs, or roughly 6 or 7 mills in the UCRB.
9. Haynes, et al., 931.
10. Jon A. Souder and Sally K. Fairfax, State Trust Lands: History, Management, & Sustainable Use (Lawrence: University Press of Kansas, 1996), 258.
11. Ibid., 3.
12. Ibid., 2.
13. Ibid., 3.
14. James G. MacCracken, Jay O'Laughlin, and Troy Merrill, Idaho Roadless Areas and Wilderness Proposals, Report No. 10, Idaho Forest, Wildlife, and Range Policy Analysis Group, (Moscow: University of Idaho, 1993), 57.
15. Clawson, 232.
16. Andrew Stahl, "Why Forest Gridlock?" American Forests March/April, 1995. 101(3 & 4): 26-27.
17. Neil Sampson, "Why Forest Gridlock?" American Forests March/April, 1995. 101(3 & 4): 27, 40.
18. Dave Van De Graaff, Testimony before Federal Lands Task Force (McCall, Idaho, October 9, 1997).
19. Souder, et al., 293.
20. Jack Ward Thomas, Testimony before Senate Energy and Natural Resources Committee, April 30, 1998.
21. United States General Accounting Office, Forest Service Decision-Making. A Framework for Improving Performance. GAO/RCED-97-71. (Washington, D.C., 1997), 12.

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