

THE PLACE OF PROFESSIONAL JUDGMENTS, PERSONAL VALUE JUDGMENTS, RECOMMENDATIONS, AND INTERPRETATIONS IN THE DECISION MAKING PROCESS

by Douglas W. Larson, Planning Staff Officer - retired,
Medicine Bow NF, Laramie, WY

PROFESSIONAL JUDGMENTS - These are judgments you make when your scientific training and experience qualify you to be able to predict with some degree of certainty the results of a proposed action or to reach a conclusion based on an interpretation of facts. Another expert in the field should be expected to make the same prediction or reach the same conclusion (recognizing that there may be occasions when competent professionals may legitimately disagree). Professional judgments are substitutes for facts that are not available.

Normally, you provide your professional input in writing for consideration by management. You may also provide your professional input orally during meetings and discussions.

You are employed by management because of your expertise. Management expects you to be an expert in your field and will treat your professional judgments the same as facts (assuming they are professional judgments and not value judgments). It is not uncommon for professionals to become so involved in their area of expertise that they believe their opinion about the value of anything in their area is its absolute value. It must be recognized that professionals have no particular expertise in determining the values of something in their area of expertise relative to the value of something in someone else's area.

Management will not overturn or ignore your professional judgment except on advise of someone with more expertise in that field of knowledge. It is management's prerogative and responsibility to weigh (make a value judgment of) your professional input against that of the input of other professions.

PERSONAL VALUE JUDGMENTS - These are judgments you make about the value of something relative to some other thing. Other persons may have a different opinion of the relative values. These judgments are never right or wrong but are strictly individual preference, even though each individual often professes to be right and that the other person is wrong. Trying to logically determine which position is right results in circular arguments.

Normally personal value judgments should be kept out of official correspondence and official record material unless management has specifically requested them. Usually presenting personal value judgments is acceptable in informal internal discussions; however, they should not be presented in public settings where they could be interpreted as either professional judgments or official positions.

It must be recognized that everyone has their own individual value system - this is what makes us human and individuals. It also means we all have biases which we need to recognize as such. None of us has been hired for our values system.

RECOMMENDATIONS - Recommendations may be professional judgments or they may be personal value judgments. Recommendations are professional judgments when they are based on scientific knowledge and do not make assumptions about the value of anything. Examples of professional recommendations are recommendations on how to mitigate an adverse effect or recommendations on how a specific objective could be accomplished. Recommendations are not professional judgments when someone with different values might recommend something else.

Recommendations which can be categorized as professional judgments may be provided whenever you think they will be helpful to management. Recommendations that reflect personal value judgments should be reserved for situations where personal value judgments are appropriate.

INTERPRETATIONS OF LAWS, REGULATIONS, AND POLICY - These are judgments made based on written instructions, interpretations previously made by someone with authority or expertise, or court decisions. Whether the interpretation is correct or not is often subject to debate, and the proper interpretation can only be confirmed by higher authority. Normally the ultimate authority is the court. Interpretations are based on knowledge and can be argued logically; however, laws, regulations, and policies are all comprised of words many of which have more than one meaning.

You may have experience or knowledge in a particular area that may lend credence to your interpretation of laws, regulations, or policies. However, unless you have been delegated authority to make definitive interpretations, management is under no obligation to accept or agree with your interpretation. Management has the responsibility and obligation to make interpretations within the bounds established by higher authority. These bounds may be established within the law, regulation, or policy itself (i.e. the room for interpretation is limited), or they may be established by interpretations already made by higher authority and spelled out in manuals, handbooks, or court decisions. It must be remembered that many laws, regulations, and policies have been written to intentionally give management room for interpretation due to the need to consider factors other than those associated with the subject matter of the law, regulation, or policy.

DECISIONS - Line officers have specific delegated authority to make decisions. They make decisions based on their judgment of what is best after considering all pertinent information. They have a responsibility to be as objective as possible; however, it should be recognized that everyone's judgment is always influenced by their underlying personal value system. It must also be recognized that they are being paid to exercise their judgment and that they are responsible for the results of their decisions.

DISTINGUISHING PROFESSIONAL JUDGMENTS FROM PERSONAL VALUE JUDGMENTS

The following numbered situations are followed by brief explanations of whether the statement represents a professional judgment or a personal value judgment:

1. You are a civil engineer. You examine a trail bridge and conclude that it is not safe for the use it is receiving.

A. This is a professional judgment. Your training has qualified you to make these types of judgments and is one of the reasons for which you are being employed.

2. You are a civil engineer. You are reviewing plans for a trail bridge where the stated purpose is to accommodate foot and horse travel. You state you do not recommend approval of the plans because you believe the trail should be managed to accommodate ATV use also.

A. You have made a personal value judgment. Whether the trail should be managed for ATV's or not is a management decision and not a professional judgment. An appropriate response would be for you to state that the bridge design is adequate for foot and horse use, but should management later decide to change its mind and want to accommodate ATV use, then the bridge design would not be adequate.

3. You are an archeologist and have been requested to evaluate an administrative site for its significance. You look at the site and report that it is eligible for the National Register of Historic Places.

A. This is a professional judgment. Your training qualifies you to make this judgment and it is one of the reasons you have been employed.

4. You are an archeologist and have been requested to evaluate an administrative site for its significance. You look at the site and report that the site is eligible for the National Register and therefore the structures must be retained and maintained to preserve their historical value.

A. The eligibility determination is professional judgment, but the need to retain the structures is personal value judgment. An appropriate response would be to explain the options available to management in order to comply with the legal requirements for such decisions.

5. You are a wildlife biologist and have been asked for your input into an EA for a campground. Your input states that the campground is located in an important elk rearing area and you recommend that the the project not be approved.

A. The determination that it is an important elk rearing area is a professional judgment which you are qualified to make. The recommendation that the project not be approved is a personal value judgment (you are judging that the needs of the elk are of more importance than the need to have a campground in that location - this is management decision). An appropriate response would be to specify the consequences to the elk if the project is approved and identify possible mitigation measures and/or alternatives that would reduce the adverse effects on elk.

6. As a silviculturist you have been asked to prepare a prescription for a small timber sale in a mistletoe infested stand. Your report states the only acceptable treatment is clearcutting.

A. This is a personal value judgment, not a professional judgment, since it assumes a mistletoe free stand is the most important characteristic of any desired condition. An appropriate response would be to state that clearcutting should result in regeneration of a mistletoe free stand, but a two-step shelterwood cut would result in a new stand being heavily infested with mistletoe resulting in a X% reduction in yield.

7. You are a hydrologist and have been asked to provide input to a timber sale in a watershed that has been previously heavily cut. In your report you state that because this watershed has been heavily cut in the past you do not recommend any additional cutting.

A. This is a personal value judgment since you are assuming protection of the watershed is more important than whatever other values may be provided by the sale. A better response would be to state as specifically as possible the consequences to the watershed if a sale occurs. This gives the decision maker something concrete to evaluate.

8. You are a hydrologist on an ID Team planning a timber sale in a watershed that has been heavily cut in the past. You report that Alternative A will result in little or no risk of the threshold limit being exceeded but that Alternative B will almost certainly result in exceeding the threshold limit and therefore violate the Clean Water Act.

A. You have presented professional judgments that will be helpful to the decision maker.

9. You are a soil scientist on an ID Team planning for a timber sale. The sale is in an area having unstable soils. You recommend that the area be dropped from further consideration of any timber harvest activity.

A. You have presented a personal value judgment since you have made a judgment that the cost of having a timber sale that will avoid erosion and slumping problems is undesirable. A professional way of presenting this would be to specifically state the problems that will be encountered, identify alternatives that could be implemented and the likely costs of the mitigation that will be required to implement the alternatives.

10. As a soil scientist on an ID Team planning a timber sale you report that the soils in the sale area are very infertile and that you believe that regeneration of the stands to be cut will be difficult to achieve within five years through natural means.

A. You have presented a professional judgment that will be useful to the ID Team and the decision maker. Your professional training has qualified you to make these judgments.

11. You are a fisheries biologist providing input to an environmental analysis of a land exchange. There are two possible alternatives for offered lands (non-federal lands to be acquired in the exchange). One alternative includes a stream with little potential for fisheries and the other alternative includes a stream currently supporting an excellent fishery. Your report recommends that the second alternative be selected.

A. You have made a personal value judgment since you have given greater value to the fisheries than to whatever other values the other alternative may have. The proper way of writing your report is to simply state the fisheries potential of each alternative.

12. You are a fisheries biologist providing input to a proposal for an irrigation diversion on a stream supporting fish. Your report states the diversion could result in dewatering of the stream to the point where fish could not survive. You report states that a minimum flow of X cfs needs to be maintained through the diversion if fish are to survive.

A. You have made a professional judgment. Your training has qualified you to make these judgments. If you had recommended that the diversion not be approved unless a minimum flow was required, then you would have been making a personal value judgment.

13. You are a recreation specialist providing input to a timber sale in an area that is currently in a semi-primitive condition. You recommend that only selective harvest without roads be considered.

A. You have made a personal value judgment because you have assumed that maintaining a semi-primitive condition is more important than a more more developed ROS class. The proper way to handle this is to specify the consequences of alternatives in terms of the resulting ROS condition.

14. You are a recreation specialist leading an ID Team planning a campground development along a scenic byway. The EA considers several alternative levels of development. In the EA you state the ID Team preferred alternative is Alternative B.

A. You and the ID Team have made a personal value judgment. ID Teams should avoid making these recommendations unless specifically asked to do so by the responsible line officer and then it is best to make the recommendation informally or at least separate from the EA.

15. You are a lands specialist providing input to a proposed land exchange. Your input to the EA states you recommend the land exchange be approved as proposed since it will result in a more manageable land pattern.

A. This is personal value judgment since it assumes manageability is more important than other values that may be involved.

16. You are a lands specialist reviewing a Special Use application. The proposed use is in an area where the Forest Plan states such uses are not acceptable. Your report states the application must be denied.

A. This is a personal value judgment since you are assuming that the values being provided by the current Forest Plan are more valuable than those resulting from the proposed use. It is always possible to amend the Forest Plan to provide for the use. Whether or not this will be formally considered is a line officer's decision.

17. You are a range conservationist preparing an Allotment Management Plan. You identify three reasonable grazing systems that could be used on the allotment. The wildlife biologist has reported the effects of each alternative on wildlife and this has been documented in the EA. The Ranger is reviewing the EA and has asked what you recommend. You state that you believe Alternative C is the best alternative because it provides the best balance between livestock and wildlife values.

A. You have made a personal value judgment. You have provided your views at the proper time and place; however, you must realize that the Ranger may see things differently and may choose another alternative. You should not consider this an affront to your professional judgment.

18. You are a range conservationist providing input to a timber sale. You recommend that one cutting unit be removed from the sale because it will result in removing a barrier to cattle movement between allotments.

A. This is a value judgment. You are assuming the problems created by the cutting unit outweigh other values provided by the sale. The proper way to address this is to identify the consequences of the sale as proposed and suggest possible mitigation measures such as fencing and suggest another alternative be developed for consideration that leaves out the problem unit.

19. You are a forester examining a recent blowdown. Your report states the down timber must be removed immediately or the timber will become worthless to potential purchasers and be wasted.

A. A The conclusion that the timber will become worthless to a potential purchaser is a professional judgment which your training and experience qualify you to make. The conclusion that it will be wasted is a value judgment since you are assuming the down timber has no value if it is not used. It may have value for biodiversity purposes.

20. You are a forester planning a thinning operation where the objective is to increase growth for timber production. You recommend thinning to a spacing of 10 x 10 feet.

A. This is a professional judgment you are trained and qualified to make.

21. You are a geologist making a mineral examination of a proposed withdrawal for a recreation area. Your examination finds that part of the area has definite potential for mineral development and you recommend that the area be deleted from the withdrawal proposal.

A. This is a personal value judgment because it assumes the mineral potential of the area is more valuable than its recreation potential. The proper way to deal with this is to specify the mineral values involved and suggest the consideration of another alternative that does not withdraw the area having mineral potential.

22. You are a geologist reviewing a proposal for mineral exploration. The District Ranger has asked you to consider the feasibility of alternatives that would result in less disturbance. You report that helicopter exploration is not feasible because a helicopter can not lift the equipment necessary to perform the exploration necessary to determine the extent of the mineral deposit.

A. This is a professional judgment your training and/or experience qualifies you to make.

23. As a Landscape Architect you are providing input for a proposed timber sale. Part of the sale is in an area where the visual quality objective is partial retention. Some clearcut units are proposed. After reviewing these cutting units you can see no way to clearcut them and meet the VQO in the Forest Plan. You report that the alternative that includes these units as clearcut units is not consistent with the Forest Plan.

A. This is a professional judgment which you are trained and qualified to make.

24. You are a landscape architect providing a design for a new campground. The direction you have been given is to design the main road for one way traffic. In your review you come to the conclusion that the main road should be designed for two way traffic and proceed to design the campground accordingly.

A. You have made a personal value judgment. The design parameters are a management decision and not a matter of professional judgment; however, you may have some information that the line officer should be aware of regarding the consequences of one-way vs. two-way traffic that should be pointed out to the line officer in your report.

25. As an ecologist you are providing input to a timber sale. Your analysis indicates one cutting unit will disturb a corridor connecting old growth stands. You recommend that this unit not be cut.

A. This is a personal value judgment since it assumes maintaining a corridor between old growth stands is more important than the values provided by cutting the area. The proper way to deal with this is to identify the specific effects of the proposal and of an alternative that does not include the unit.

26. You are an ecologist providing input to a proposal for improving bighorn sheep habitat through burning a large area. You provide input that states that burning the entire area as proposed will destroy a small included plant community that may be important to other species of wildlife.

A. This is a professional judgment which you are qualified to make.

27. You are a fire management specialist providing input to thinning project. Your input states that due to the extent of the debris being left on the ground that an unacceptable fire hazard will be result from the project.

A. In the absence of specific criteria established by management, what is acceptable or unacceptable is a personal value judgment. The proper way to handle this is to specify in your report the possible consequences of a fire in the project area and, if possible, the probability of it happening. This will give management the information it needs to make a decision.

28. As a fire management specialist providing input to a burning project to improve wildlife habitat, you state that a fire in this area has a high probability of escaping.

A. This is a professional judgment which you are qualified to make.

29. As a public affairs officer you have reviewed all the public comments on a proposed project. Based on the large proportion of comments opposed to the project your report on the analysis of the public input states that you recommend the project be abandoned.

A. This is a personal value judgment since it assumes that the proportion of those favoring or not favoring a proposal is the only consideration of importance. The proper way to handle this is to provide a summary of the responses and the rationale given by the respondents for their opinion.

30. As a law enforcement officer you observe a timber operator building a skid road in a questionable location. You check with the timber sale administrator and learn that he had not approved the location. The timber sale administrator says he'll take action under the contract to correct the problem. You proceed and issue a violation notice since it is illegal to build a road on NFS lands without proper authority.

A. You have made an interpretation that should have been decided by the line officer in consultation with the contracting officer. Whether this is a contractual problem or a law enforcement problem is a matter of interpretation that should be made by the line officer.

31. As a line officer you review an EA for a project and decide to proceed with implementation of Alternative B although the ID Team has told you it has agreed that they prefer Alternative C.

A. Although the decisions are always value judgments, it is your responsibility as line officer to make those judgments in as objective a manner as possible, considering all the facts and the consequences. You are responsible for the decision and the consequences of that decision whether good or bad.

32. As a licensed land surveyor you have been asked to review a Small Tracts application. You report that the application should be denied because the case is not in the public interest as required by the Small Tracts Act.

A. This is a person value judgment which is beyond your authority. What constitutes "in the public interest" is always a decision by a line officer. Your input should deal with whether or not the information provided by the applicant meets the standards for applications as set forth in law, regulation and Forest Service directives.