

Collaboration and Coordination; Will it result in management? Will it Help?

Lincoln County Experience:

With collaboration efforts being the buzz in many communities throughout the state right now, I felt that discussing Lincoln County's current and past exercises on collaboration would prove valuable to this committee.

In order to have perspective on what needs happen to move forward, we need to acknowledge what has already been tried, as well as why it has failed to produce measurable results.

One point that is important to make is that collaboration is not a new concept, particularly to the citizens of Lincoln County.

The impetus of the collaboration efforts in Lincoln County are however the same as many of the new efforts throughout the state.

Trying to bring stakeholders to the table to arrive at a desired future outcome that is palatable and manageable for all interests on our public lands.

While the theory of finding common ground to work together on seems very reasonable and pragmatic in nature, it is a slow and frustrating process of building bridges of trust, with scud missiles flying in from the fringes constantly testing their strength.

In fact, the residents of Lincoln County have been living in the wake of the many failed attempts of bridge building for over two decades now.

And there have been many attempts, we've had:

Kootenai Forest Sustainability Task Force (started in 1987)

Timber Chamber Summit

Cabinet/Yaak Community Involvement Team for Grizzly Recovery

Thompson Chain of Lakes Citizens Involvement Committee

Libby Sustainability Committee

Kootenai Forest Roundtable

Kootenai Forest Congress

Community Sustainability Committee for the Stimson Mill

While the many diverse interests working together had thousands of hours trying to come up with common ground solutions to our dire situation, the end results have been what all participating were trying to stop. We have yet to find a way to keep external elements from dictating the outcome.

The loss of the infrastructure needed to manage our forest, as well as the economic and cultural well being of the proud heritage that managed it.

I could speak at length to the many effects this has had to the social, economic, and environmental health of our region.

Instead I will speak to what we have learned in our failed attempts at collaboration, and why we are still working towards successful ones.

To fully understand the external elements that ultimately dictate the management of our public lands, we must look to the NEPA process and its evolution.

NEPA was passed in 1969 and signed into law in 1970.

NEPA was spawned out of a very much needed environmental movement. People affected by Federal decision making had no venue to get involved, and NEPA provided this venue.

Communities relocated for the creation of dams and reservoirs had no voice. Nor the land owner who was to be the new neighbor to the government munitions dump.

We had fish swimming upside down in Lake Erie, and rivers burning their bridges down in Pennsylvania.

If you read the congressional dialogue during the bills passage, a great deal of it spoke to the need for the local indigenous population in the areas affected by agencies decisions to have a voice in the process to allow them recourse.

To this end NEPA has been a very successful tool, but unfortunately as with all good intended policy, there are always ways to abuse it creating many unintended consequences.

Coupled with NEPA in 1980 was the Equal Access to Justice Clause that allows for anyone in America to object to any agency's procedural guidelines in court. If the presiding judge interprets that the objection raised a "reasonable concern", the attorney fees are awarded to the litigator. This again is a well intended constitutional right enabling those without the resources the ability to stand up.

The consequence to this well intended clause has left a few entities that want to obstruct any management on our public lands the means by which to create a procedural gridlock. This is because all objections to any agency action must be answered. Appellants have learned that the more objections to be answered, the more likely a court to rule all have not been adequately addressed. With the high abundance of endangered species in areas like the KNF for instance, appellants have a plethora of objections to list, and regardless of the substantive merit, all must be responded to before action can be taken.

This has resulted in timber sales being tied up in court for 5-7 yrs.

With the USFS has the majority of its resources bogged down in court, they have been crippled in their ability to address forest health concerns. Things like addressing the Douglas fir beetle epidemic becomes an unmanageable task. Doug fir is only merchantable for two to three years after it has been hit, the reality of the time line for treatment results in no treatment at all. What we are left with are groves of un merchantable timber.

The consequence of this reality has left many areas like the KNF in a very dangerous fuel load situation.

The KNF his comprised of 2.4 million acres.

Of the 2.4 approximately 1.6 is considered suitable timberlands.

Based upon 1987 forest plan revision process:

Annual growth = 442 million board feet

Annual mortality = 346.5 million board feet (numbers skewed with mountain pine beetle epidemic)

Annual Harvest (from Cut and Sold Reports)

2006 = 26.2 MMBF

2005 = 44.6 MMBF

2004 = 48.2 MMBF

2003 = 45.5 MMBF

2002 = 82.5 MMBF

The many collaborative efforts in Lincoln County have been spawned from this unacceptable situation. Many diverse interests from all sides of the public lands debate have recognized the unintended consequences and continue to come to the table with renewed hope that this time, we may find a way.

More than once we have thought we were close.

While the Comm Sustainability Committee for the Stimson Mill was lobbying in DC to find some a legislative solution in the form of a litigation shield to save what was left of the Stimson Mill in Libby, we witnessed it actually happen.

There was a collaborative group in South Dakota made up of timber, recreation, mining, wilderness, conservation, and elected officials attempting to hammer out an agreement to save their local mills while addressing as many of the stakeholders interests as they could. This collaborative effort took three yrs to come to an agreement. After all had agreed to work with the Black Hill National forest to deliver this resolution, they received a phone call from the Center for Biological Diversity pledging to appeal the timber management portions agreed upon. Realizing that the external elements would negate all of their hard work, they ran to their Senator, Tom Daschle. After reviewing their collaborative work and agreeing that something had to be done to protect the progress made, Sen Daschle slipped an amendment (literally at midnight) into a defense bill that created a litigation shield for the forest. We

then ran to Sen Baucus, and Sen Burns to see if we could do this on the Kootenai. Interestingly enough, they hadn't known that they had voted for it, but after verifying with staff that they had, said that it wasn't politically feasible to do so. The group in the Black Hills had more diverse makeup of stakeholders we needed to replicate if we wanted to even attempt it. Sen Baucus also predicted that the manner in which Sen Daschle pushed this through may have serious repercussions. Many believe that it played a large part of his loss in the next election.

Running home with invigorated hope that we could replicate this in Lincoln County, we came up with the diversity in stakeholders, but could not come up with the political horse power to achieve what the Black Hills did, nor the 60 million board feet a yr to keep the doors open on the last remnants of our mill.

So what have we learned in our failures?

We've learned that the only way we will ever be able to manage the catastrophic fuel loads on the Kootenai is to provide an atmosphere of certainty for investments to rebuild the infrastructure needed for management.

We've learned that to create this atmosphere we will have to provide a sustainable timber flow off of the Kootenai.

We've learned that with the FS committing resources to the 90 million board feet currently in litigation on the Kootenai, they have limited ability to put resources to the ground to accomplish this.

We've learned that you can bring as many local stakeholders to the table as you can muster, but it pales in comparison to the 300 million stakeholders NEPA allows. The elements outside of the watersheds impacted have learned that the true management of our public lands does not reside with the Federal Agencies; it resides within the judicial system.

With all that we have endured through the failed attempts, those truly dedicated to finding common ground continue to drag themselves to the table because of what we know to be true.

We know that unless we can find a way to address our forest health situation, we are headed for a train wreck.

We know that the Kootenai National Forest is stacking over 300 million board feet of fuel annually.

We know that a large part of the mortality rate is contributed to a very large monoculture of timber that was created in the wake of the largest recorded wildfire in America's history.

We know that we are reaping the benefits of removing a natural fuel reduction tool, and not implementing another one.

We know that reintroducing fire as a tool into areas with 500-600 tons of fuel per acre is not an option. It will not create desirable outcomes for air quality, water quality, wildlife habitat, or timber restoration, not to mention the loss of a valuable renewable resource or public safety.

We know that as long as environmental studies professors in Wesleyan College in Connecticut have the ability to require their students to appeal timber sales on the Kootenai as part of their course curriculum, we cannot hope for common sense to dictate our reality.

We know that congressional legislation can help us with this situation. But we also know that the only way we can get our local communities to support the wilderness component necessary for this to materialize, we must guarantee the same permanence to multiple uses as the permanence of wilderness designations.

We know that we have skyrocketing drug, alcohol, and domestic violence rates in our county.

We know this is directly connected to the highest unemployment rate in the state.

We know this because we know that Lincoln County's social, economic, and environmental health is all inter connected.

The fact that they are all interconnected is why we continue to press on. The only thing worse than fighting in futile attempts for solutions, is to not fight for them at all.

In our struggles of collaboration we have realized a great many positive truths. Most of the diverse interests have more in common than actually sets them apart. We find ourselves struggling with the margins, on both sides of most issues before us. Though there has yet to be much produced from the collaborative efforts, there is promise in the relationships that have been forged trying to find the common ground.

This is why we still have hope.

Lincoln County has a couple worthwhile collaborative efforts in the mix at this time, and one on the horizon.

We have the Kootenai Stakeholders, which is made up of many citizens of all walks of life. The group has a MOU with the KNF and is almost two yrs old at this point. The main focus has been on the WUI areas in the Kootenai, but unfortunately progress has been very slow, and will probably get slower before it gets better. Many of the WUI project hinge on the FS ability to use Categorical Exclusions to expedite the process. Thanks to a ninth circuit court of appeals decision, we have lost the ability to use CE's for our projects. But we continue to come to the table.

We have another group called the Three Rivers Challenge on the Kootenai. This group is very similar to the folks in South Dakota, and has the same goal in sight. It has been working very hard to create a piece of legislation that would create recreation areas, timber management, and wilderness permanence in the Three River District. This group still needs a great deal of outreach to the locals in our county, more diversity, and it needs to refine the conditional language needed for their support. The people of Lincoln County have given all that there is to give in this management gridlock, asking them to support more wilderness can only be done with a guarantee that they will get some of what they have lost back first.

The difficulty facing them right now is the same that a few legislative attempts in MT are struggling with. Conditional language will not be accepted in the House Natural Resources committee at this time. Chairman Rahall's staff has been very clear as to the fate of any conditional language accompanying a wilderness bill. Our biggest fear in pursuing a legislative solution at this time is that we will be left with the permanence of wilderness, but only the promise of jobs. Lincoln County has a long history of broken promises to point to; the road map to our broken economy and current forest health has been drawn with them. We must have the same certainty of permanence for jobs and sustainable management as a permanent wilderness designation gets. If we cannot provide this certainty, we are unable to move forward with the support of the locals impacted by the legislation.

On the horizon in Lincoln County is another Collaborative effort. This effort is called coordination. With Lincoln County being in the beginning stages of this collaborative process, I will await for our June meeting in Libby to go into depth about what coordination is.

What I can tell you is that it is a very exciting opportunity that has been exercised by a handful of counties across the nation.

With the many unintended consequences of NEPA, I suppose it is only fitting that it is the NEPA procedures that have made the coordination process work.

The collaborative efforts in Wash and OR using coordination status have been able to appropriately empower the local indigenous stakeholders with the ability to have a say in the Federal policies that have a negative impact to their customs and cultures.

What they have found is a way to step in front of those that refuse to collaborate before they have all of the hoops available to jump through. Not that their collaborative efforts haven't been tried in court. They have, and they have won.

Do I think that the collaboration/coordination will result in management? Absolutely. And I am not alone.

I want to leave you with something that I feel is important and relevant to our discussions of collaboration. The Earth Summit in Rio entitled "Providing for Humans today, without compromising our Tomorrows" arrived at a very interesting conclusion about sustainability. "Sustainability will be defined and defended at the local level by the indigenous stakeholders that are impacted by the decisions made to provide it."

In our striving to find solutions to management and sustainability, we must acknowledge the importance of empowering the local stakeholders that will share in the burdens and benefits of collaboration.

