

Innovative Thinkers

Constant litigation doesn't help sick and endangered forests. By Jim Petersen

My name is Jim Petersen. A few *RANGE* readers know me, but not many. I have been a working journalist for 54 years, and for 31 of those years, I have limited myself to topics associated with forestry and forest management, principally in the United States, but some in Canada.

Resource management has a long history in my family. We are—or have been—farmers, ranchers, loggers, contract miners (me), heavy construction workers, ditchdiggers, builders and operators of massive municipal water systems, sawmill owners, and foresters.

Although my interests in forestry and the

are still frequently seen on the 3,300-foot level in the old Bunker Hill Mine, about a mile beneath the streets of Kellogg, Idaho, my hometown. But my father, who dropped out of school during the Great Depression midway through the eighth grade, had his heart set on me going to college, and I did not want to disappoint him. Besides, my mother was a junior high school language arts teacher for 41 years, one great-aunt was a college professor (Shakespeare), and two uncles also taught at the college level. So there you have it.

C.J. Hadley, who I admire more than

Dad's father was our lumberman. He came to northern Idaho from Trondheim, Norway, via Bergen and Ellis Island in 1902. He died from pneumonia in 1928, the same year the penicillin that would have saved his life was invented by Alexander Fleming, a bacterial professor at St. Mary's Hospital in London. Paul Randolph Petersen (isn't that a pistol of a name) was only 48 years old, but by then he'd made so much money building and owning sawmills that my stately grandmother never worked again, though I believe she was, for a brief period, the only woman in Idaho to ever own and operate sawmills.

There is much more I could tell you about my family, but I've already chewed up 520 of the 2,500 words that I promised CJ. I want to visit with you about a controversial topic that plays to mixed reviews in the forestry world: forest collaboration. It is easily the best good-news story I've encountered in the 31 years that we've been publishing print and electronic versions of *Evergreen Magazine*. It also has the longest legs of any story I've encountered, meaning that I expect to continue writing about it for as long as my 72-year-old brain allows.

Collaborative forest restoration groups (there's a \$10 phrase) have been around for close to 30 years, but they flew under nearly everyone's radar until Northern California's Quincy Library Group rose, and then crashed and burned. Then came the Applegate Partnership in southern Oregon, not long after we started *Evergreen*. It, too, crashed and burned, mainly because the big environmental outfits based in Washington, D.C., were afraid it might succeed, causing them to lose control of political processes that were central to their business model and revenue stream.

Cattle ranchers and farmers who are *RANGE* loyalists can be forgiven for not knowing the first damned thing about collaboration. Basically, it is a congressionally blessed process for allowing diverse groups of local—emphasis on local—national forest stakeholders to work together with the Forest Service on the development of forest restoration projects picked by the collaboratives.

Collaboratives are driven by stakeholders whose interests in federal forest management



PHOTOS COURTESY JIM PETERSEN, EVERGREEN

Peter Kolb, a Ph.D. forest ecologist at the University of Montana, amid beetle-killed lodgepole pine toppled by high winds on Garnet Mountain northeast of Missoula. Once stands like this one start to fall apart, remaining trees are quickly leveled by future winds. Downed trees this size add enormous heat to wildfires, incinerating the organic layer and cooking mineral soils in which new vegetation has already taken root, thus threatening its survival. Natural regeneration can take decades. There are barren areas on the Idaho-Montana divide that have yet to recover from the searing heat of the Great Fire of 1910.

forest-products industry are strong, my degrees are in journalism and broadcasting. I graduated from the University of Idaho 50 years ago this past June, the first Petersen to be fortunate enough to go to college. But my degrees did little to prepare me for what I do daily. I tell people who mistakenly think I am a forester that everything I know about forestry I learned by asking stupid questions of smart people with a lot of alphabet soup behind their names.

Frankly, I still don't know if college was the right choice for me. My heart and soul

words can say, pesters me at least twice a year to write something for *RANGE*, which I think is one of the finest magazines published in America. I'm always happy to oblige, but I inevitably fret about the topic, though I guess I shouldn't, given the fact that my maternal grandfather was a cattle rancher from Saguache, Colo. He rode away from home for the last time when he was 13, west across the Rockies, then north through the Grand Escalante Valley, and on to Montana, where he hired on at a cattle ranch near Twin Bridges.



Day or night, fighting big forest fires in the Intermountain West is a tough, dangerous and exhausting business. Increasingly, the public is asking why our nation is sending young firefighters into harm's way when Congress refuses to enact long-term forest restoration measures that would reduce the risk of catastrophic wildfire.

vary from active forest management to wilderness preservation and everything in between. But their interests converge on two very important points: the fact that the West's federal forests are in the midst of a frightening and unprecedented ecological collapse, and the need to retain the wood-processing capacity necessary to provide viable and unsubsidized markets for all the fiber that must be removed from national forests which hold too many trees for the carrying capacity of the land and are thus dying and burning in wildfires so frequent and ferocious that there are no historic parallels.

Bruce Vincent, who many of you know from his legendary national speaking circuit and major features in *RANGE*, is the architect of one of the oldest collaboratives in the West. After more than 20 years of work, it is finally beginning to gain ground in north-west Montana's Kootenai National Forest,

easily one of the most hotly contested forests in the United States. Serial litigants roam this forest constantly, as they do other western Montana national forests.

Fortunately, litigation is slowly losing its mojo, especially with conservationists who understand the underpinnings of the West's

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forest health crisis and thus support collaborative decision-making and active management of overstocked and dying forests.

Successful collaboratives draw their strength from their diversity. The more stakeholders with varying and sometimes conflicting interests, the better. No one has

understood this seemingly self-defeating rule of thumb better than Duane Vaagen, a friend and lumberman from Colville, Wash. It was he who, with Mike Petersen and a few others, started the Northeast Washington Forest Coalition, easily one of the two most successful forest collaboratives in the West, the other being the Idaho Panhandle Forest Collaborative, which also draws heavily on Mike's circle of conservation advocates.

Though we spell our last names the same—with an “e,” not an “o”—Mike and I aren't related, at least so far as we know, but we try to have lunch once a month in Spokane, just to check signals and swap ideas. He is the executive director of the Spokane-based Lands Council, a life-long conservationist, and one of the nicest and most easy-going guys I've ever met.

Duane and I have been friends for about 20 years. He is one of the most innovative thinkers in the entire lumber industry. You'd



Montana Gov. Steve Bullock, a Democrat, is current chairman of the Western Governors Association and a strong advocate for collaborative forest restoration projects. Of 567 million cubic feet of new growth added to Montana's national forests annually, 510 million cubic feet die, a clear threat to Montana's robust tourist industry, to say nothing of what is left of its timber industry. In a January 2016 Evergreen interview, Bullock said, "The declining health of our federal lands is threatening our communities, our natural resources, and our Montana way of life."

have to be to do what he courageously did—and what he did was start attending Lands Council fund-raisers back in the days when it was still litigating federal timber sales. One thing led to another and pretty soon Mike got the cook's tour of Duane's Colville mill, which is a wonder unto itself. I can only name one other sawmill in the West that processes small-diameter trees more efficiently than Duane's. And, of course, small-diameter trees are the ones that are choking the West's national forests to death. You don't need to be a rocket scientist to figure out where the budding friendship between Duane and Mike was soon headed.

I interviewed Mike last year (you'll find the interview on our website, along with many others), asking him why he recommended that the Lands Council Board of Directors ditch its litigation strategy in favor of collaboration. "Oh, that's easy," he replied. "We weren't getting our needs met."

That need was—and is—for more congressionally designated wilderness areas in Idaho and eastern Washington. It is an idea that both Vaagen Brothers and the Idaho Forest Group, Idaho's largest lumber manufacturer, are pleased to support because northeast Washington and Idaho are big places with lots of federal forestland that is simply unsuitable for active forest manage-

ment, meaning the growing of timber for harvest. Some of it fits wilderness designation and some of it doesn't, but arguing about it has become a distraction that neither collaborating lumbermen nor wilderness advocates care to debate.

More broadly, neither Vaagen Brothers nor the Idaho Forest Group is interested in swimming upstream against public values that have changed significantly over the last 25 years. Gone is the post-World War II era when there was wide public support for harvesting timber from western national forests that, until war's end, had remained largely unroaded. Most of the 80-some billion board feet of timber needed to prosecute World War II came from private timberlands in the Pacific Northwest and Southeast. Such was the necessity and enormity of the harvest that FDR reluctantly approved, despite his own conservationist leanings.

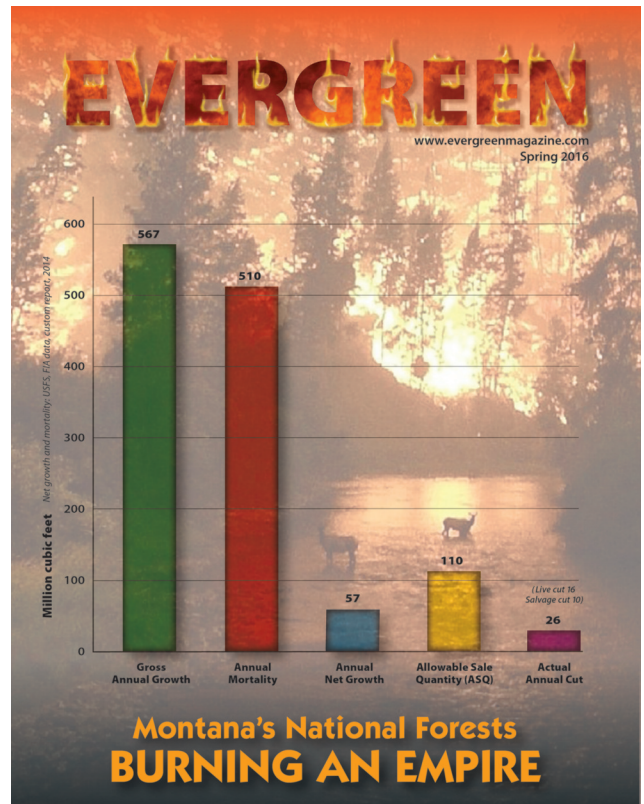
Most don't know this, but it was the Truman administration that built the federal timber sale program we all remember. Presidents Eisenhower and Kennedy simply stayed on script. Environmentalism didn't gain much traction until Earth Day 1970, but it got an enormous boost from the



Monongahela National Forest clearcutting controversy, which spread west like wildfire, spawning a byzantine cluster of federal environmental laws including the National Environmental Policy Act (NEPA), the Clean Air

Act, the Clean Water Act, the National Forest Management Act, the Endangered Species Act, and the Resource Conservation and Recovery Act—all fertile ground for litigants.

Forest collaboration has gained political traction in the West largely because of the tireless work of several very creative thinkers, including Mike Petersen and his conservationist colleague, Jim Doran, a lawyer; my 30-year friend and Evergreen board member, Bruce Vincent, a logger



The cover from a recent Evergreen report focused on declining conditions in Montana's national forests. The nonprofit Evergreen Foundation published a similar report concerning Idaho's national forests last year and is currently working on one for Washington state. BELOW: Fleeing elk stand in the safety of the Bitterroot River. This iconic photograph was taken by John McColgan, a firefighter from Alaska who was assigned to this conflagration, which eventually burned 261,000 acres south of Missoula. It was the nation's largest forest fire in the disastrous 2000 fire season.

turned electrifying public speaker, and his son, Chas, a Montana state senator; Duane Vaagen and his sons, Russ and Kurtis; Roger Johnson, who owns the Pyramid Lumber Company at Seeley Lake, Mont., and his timber manager, Gordy Sanders; and Bob Boeh, IFG's well-connected vice president of government affairs and community outreach, who speaks for the company with the blessing of its owners, including my old and

trusted friend, Dick Bennett.

My interest in collaboration was spawned by Scott Atkison, one of IFG's owners and easily one of the brightest young men I've ever met. He is Dick Bennett's grandson, a driving force behind the 2008 merger of Bennett Forest Industries and Riley Creek Lumber Company, then owned by Marc Brinkmeyer, who is now IFG board chairman. IFG was thus created through the timely coming together of Idaho's two largest family-owned lumber manufacturers.

Scott broached the collaboration subject with me about two years ago. We were in the throes of moving our *Evergreen* offices from Oregon to Idaho, so it took me a few months to follow up on his suggestion. When I finally got around to it, I was frankly disgusted by the fact that I had not unearthed such a great story on my own. As I've already said, forest collaboration is easily the best, and certainly the most hopeful, forestry story I've encountered in 31 years.

Collaboration's critics—and there are some—note that the process takes nearly forever and that, given the enormity of the West's forest health crisis, collaboratives don't have much to show for all their hard work. Every collaborative stakeholder I've interviewed over the last 18 months—more than 25 at this writing—agrees. But not one of them is willing to give up. They see political daylight and, by god, they're not going to let it get away from them. Nor should they.

Sadly, the biggest stumbling block our region's collaboratives have encountered isn't serial litigators, who are slowly but surely marginalizing themselves, at least politically. The biggest stumbling block is a well-entrenched Forest Service bureaucracy that seems divided on the constructiveness of the role the forest collaboratives are playing. Younger Forest Service employees seem almost universally delighted by their presence, influence and effectiveness, but others in the agency see them as unwelcome and unqualified intruders in a kingdom they have controlled for decades. Let's just say that, for obvious political reasons, the Forest Service is running hard to catch up with the collaborative train, which left the station without it onboard.

And Congress? Bipartisan blessings all around, though the cynic in me thinks its support has more to do with the fact that collaboratives have taken members off their own political hook. Whatever it is, I'll take it.



Priest River, Idaho logger Dave Ehrmantrout has made forest restoration projects his specialty. Although he has worked all over the United States, he prefers working closer to home, using “light on the land” mechanical logging systems that are ideally suited to the minimally invasive and publicly popular thinning work that he and his sons are doing in northern Idaho and eastern Washington.

But there are still very important tasks Congress must complete before we can measurably pull the West's national forests back from the brink of collapse. Current among them: the so-called “fire borrowing” mess. It's ridiculous that Congress requires the Forest Service to cannibalize its own budget to pay

More information from Idaho, Montana and Washington state national forests is at www.evergreenmagazine.com.

for wildfires that exceed the agency's budget. Doing so takes money and staff away from forest restoration work designed to reduce the risk of wildfire. No other federal agency is penalized for natural disasters that occur on its watch—not earthquakes, floods, hurricanes or anything else. Why forest fires?

Likewise, Congress needs to insulate the forest collaboratives and their good work from serial litigators. I favor something akin to baseball arbitration: “You bring your best forest restoration idea and we'll bring ours, and we'll let an arbitration court decide whose idea is best.” This idea forces an end to the “stop doing that” nonsense that litigators have championed for 25 years. Most collaborators favor some sort of arbitration, but some fear that arbitration opens the door to watering down NEPA. I disagree, but respect their fears.

Other critics point to abuse of the Equal Access to Justice Act. I suppose Congress could tighten up the requirements for accessing EAJA, but it must be remembered that EAJA Street runs two ways. There is nothing stopping a small community group from suing the Forest Service for not doing enough to reduce the wildfire risks in the wildland-urban interface. I'm not sure why this hasn't happened, but I suspect most rural folks know that litigation doesn't do a damned thing for forests that are dying and burning. Small-town practicality strives to fix problems, not prolong them.

I'll be interested in reading the letters to the editor that my 2,500 words bring. Some of the most vocal opposition to forest collaboration in our part of the world comes from ranchers who oppose wilderness designation because it infringes on grazing. Others simply want the federal government to get the hell out of their lives. All these views are understandable, but not helpful in a world that is increasingly run by venture-some people who are showing up with some very big ideas. ■

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