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The Northern Forest Lands Council: Seeking consensus

by Christopher Spruce

One could not find a broader public policy landscape, figuratively or literally, than the 26 million acres that comprise the forests of northern New England and New York. To seek to forge a consensus among the disparate interests that depend on these forests for work and for play, for money and for spiritual rejuvenation, is a formidable, even intimidating, endeavor. But that is precisely the task that the 17-member Northern Forest Lands Council has undertaken in studying policy options, and ultimately, in offering policy recommendations, for the northern forest lands of Maine, New Hampshire, Vermont and New York.

As intimidating as this task may be, the present membership of the NFLC must be credited for working toward the council's proscribed mission amid the accompanying internal and external tensions. The council, as its chairperson Robert Bendick said recently, is not of one mind about anything except the need to address the future of the northern forests. Those who are suspicious of the NFLC's motives are grasping at conspiratorial straws, Bendick maintains, because the council neither acts in unison nor with any coherent character.

Recent meetings of the NFLC in Presque Isle, Maine (in July) and East Burke, Vermont (in October) bear out Bendick's assertions. Although the council continues to move forward with an ambitious agenda to examine a variety of important issues (See "Issue Areas," below), its members clearly have not found consensus on matters other than those of procedure and scope.

According to its recently adopted *Mission and Operating Principles*, the NFLC's mission is "to reinforce the traditional patterns of land ownership and uses of large forest areas in the Northern Forests of Maine, New Hampshire, New York and Vermont." Promoting economic stability for the people of the region, maintaining "large forest areas," encouraging "production of a sustainable yield of forest products," and "protecting recreational, wildlife, scenic and wildland resources" are the broad objectives that the council seeks to promote. As an advisory-only body, the NFLC will not be able to actually undertake policy change; it can only recommend changes. Implementation must be left to the Congress and to the legislatures of the four states. The greatest challenge for the NFLC may be to discover ways to prevent its hard work from becoming yet another report gathering dust on the shelves of many well-meaning, but disinterested state and federal legislators.

ISSUE AREAS FOR THE NORTHERN FOREST LANDS COUNCIL

The NFLC maintains a work structure that contains major issue area subcommittees as the focal point for work: information gathering and recommendation development to further the Mission of the NFLC. The NFLC has established seven issue area subcommittees, two of which are new issue for 1992-1993.

- **Property Taxes.** Property taxes are a significant influence on private landowners. This influence affects land use decisions and other forest landowner decisions.
- **State/Federal Taxes.** State and federal tax policies influence land use decisions made by forest owners.
- **Land Conversion.** A clear understanding of the breadth and scope of the conversion of forest land in the region is essential. Part of this process also calls for understanding the landowner motivation of those causing or involved with the concession of land.
- **Local Forest Based Economy.** The Northern Forest contains vast supplies of timber and other natural resources which provide for a wide range of economic opportunities.
- **Biological Resources.** The biological resources of the Northern Forest are essential to the natural and economic well-being of the region.
- **Recreation/Tourism (new).** Recreation and tourism are integral components of the Northern Forest economy and are based on the diverse natural landscape of the region. Barriers exist for continued and expanded recreational/tourism use of the private forests of the region.
- **Conservation Strategies/Acquisition (new).** Many potential strategies for protecting Northern Forest areas exist which link the public and private sectors through willing landowner cooperation. Some of these include traditional tools of public acquisition, both fee and less-than-fee, while others seek new arrangements of voluntary agreements, rolling leases and other innovative options.

(Adapted from NFLC materials.)

The NFLC's potential

How the NFLC will avoid the latter result is difficult to imagine. Congress and state legislatures are given to responding to short-term not long-term needs. If the urgency that sparked the northern forest lands debate - the sale of the Diamond lands in the three-state region by Sir James Goldsmith in 1989 with its concomitant fears over development - could have been publicly sustained, then the necessary crisis atmosphere for legislative response might still exist. Although some significant parcels of land have been sold for development and there are others still in jeopardy, the public's attention has been focused on other matters, such as the economy and the presidential election. The recession also has resulted in a general decline in the pressure and the opportunities for land development in the northern forest land region. This makes it easy for policymakers to conclude that the development threat to the northern forests has been overstated. Even if one argues, as does forest consultant Lloyd Irland, that the Diamond sales were a wake-up call to policymakers and the varied constituencies of the northern forests, the

present situation still appears to lack the requisite intensity to produce fundamental policy change.

So where does that leave the Northern Forest Lands Council process, which is nearing the end of the second year of a four-year program to develop policy recommendations?

Perhaps unexpectedly, the process is poised to devise some meaningful, implementable policies to sustain the northern forests well into the next century. The council may have reached its position of potential effectiveness for the very reason that the initial urgency for its existence has lessened: The council does not have to function in a pressure-cooker atmosphere that plagues other advisory panels, like the worker's compensation panel in Maine. As a result, it can be more deliberative and responsive. Clearly, the NFLC has endured its share of cutting criticism from a range of special interests. It also has survived a painful birth. But its work has not become as abused and politicized as has the worker's compensation issue. Within the northern forests process, there remains room for dialogue, education, and compromise.

Will the NFLC live up to this potential? The simplest, although not the most enlightening, answer is "maybe." Much of the council's future effectiveness will depend on its willingness to directly confront the difficult, divisive issues that dot the political landscape of the northern forests. One of those issues is public acquisition as a strategy to protect critical areas. By way of illustrating the difficulty that the council faces, we relate the substance of an exchange that occurred at the NFLC's meeting of October 21, 1992.

What's in a name?

The issue before the council was the creation of a new subcommittee, ostensibly to be named "Public Conservation Strategies/Public Acquisition." The charge to this subcommittee was to evaluate a range of conservation tools, both traditional and innovative, in an effort to link "desired levels of land protection with the appropriate conservation tool." Maine Department of Conservation Commissioner C. Edwin Meadows, one of Maine's four representatives to the NFLC, took issue with the name of the committee. Meadows recalled, "I was the one who brought up the idea of conservation strategies (at the council's April meeting) because I'm very much concerned that the council not end up with just a whole bunch of separate reports. My presentation was more focused on getting a coordinated strategy. I had not thought of it in terms of simply 'public' conservation strategies. Even though I think public acquisition is an important conservation tool, it is not the only conservation tool. There are others. To have 'public acquisition' in the title was not what I had in mind. To limit this simply to public strategies would be limiting private conservation strategies."

Meadows comments brought a quick response from Paul Bofinger of the Society for the Protection of New Hampshire Forests. "I'm a little concerned by what you have just said. You may be getting ahead of us. We have to take all the information we have gotten and blend this into a conservation strategy with other strategies."

John Harrigan, a New Hampshire landowner, claimed that he and other members were concerned that the council was trying to "dance around public acquisition" as a conservation tool. "We

should not be gun-shy about it," he argued. "It is just one more tool in the toolbox. I'm concerned that we appear to be scared of that issue."

"We cannot talk about conservation strategies without talking about public acquisition," declared Adirondack Mountain Club's Neil Woodworth, a New York representative to the NFLC.

Meadows responded that his comments had been misunderstood. "What I am suggesting is that we need to have a conservation strategies subcommittee...Some of those strategies need to be public acquisition of all kinds, clearly. But to have the name of the group be called 'public conservation strategies' concerns me." Meadows urged the council not to "create a communications problem with a whole bunch of private citizens out there who think we are only focusing on public strategies. They will feel there is nothing in this for them...I do not want to turn those people off and have them say, 'That doesn't relate to me and I won't support that.'"

Meadows' concern was amplified by fellow Maine representatives Ted Johnston of the Maine Forest Products Council and Janice McAllister, an Abbott selectman.

"The small non-commercial landowner," said Johnston, "has a misplaced, but very strong, perception that the Northern Forest Lands Council was created to draw a line and northern Maine would be a park and the rest not. No matter what we have done, we have never fully allayed that concern. That is very tough thing and that is what we have to rebut. There are 180,000 landowners in the state of Maine. Less than 10 percent of those are commercial. That is the point (Meadows) is trying to convey."

Keep "public acquisition" out of the subcommittee's tide, McAllister agreed. "It is a red herring," she maintained. That name would not go over well in her area of Maine, she asserted.

Council member Rich Carbonetti, a consulting forester from Vermont, suggested calling the subcommittee "conservation strategies" as a compromise. Maine's Jerry Bley, a natural resources consultant, objected. "I do not want to give this subcommittee such a vague and confusing mandate that it does not know where to go when it starts out. Clearly, one of the areas not discussed in any of the other subcommittees is acquisition strategies, the whole gamut of those."

Bofinger finally relented. "If 'public acquisition' is so dastardly (a term) in the state of Maine, I propose for the time being we make the title 'conservation strategies'."

And so it went. The tension - mentioned earlier in the meeting by New York Department of Environmental Conservation's Bendick - among the varied interests was evident in this and other exchanges. The debate in this instance may have been about a seemingly minor item, the name of a subcommittee. Yet, as the NFLC members well know, good public relations is critical to the success of any public policy initiative. Thus, there are no "minor items" that they can overlook.

The exchange also underscored Bendick's claim that the NFLC is not a like-minded group bent on imposing an previously-devised set of policies on an unsuspecting public. If there is a grand strategy by the NFLC that leads to a predetermined outcome, that strategy is difficult for a neutral observer to discern.

The many publics

The NFLC faces external pressures from the many publics to which it is required to listen and to respond. Representing those external pressures are environmental groups and property rights advocates roughly equating to either end of a policy spectrum. Many of the environmental groups are concerned that the NFLC process will be nothing more than window-dressing for the agendas of corporate landowners (read: paper companies). The property rights advocates think the entire NFLC process is a federal land grab in disguise. At every meeting of the council, representatives from both groups turn out to watchdog the council as it struggles with its heavy mandate. Not only are these representatives present to ensure that the council does not make decisions inconsistent with their personal or organizational interests, they also remind the council of the diversity of opinion the NFLC must balance. As with any public body, regulatory or advisory, the NFLC has to ferret out the "public interest" from amongst myriad self interests.

How difficult will it be to make such a distinction?

As Bendick recommends to the council's often impatient audience, check back in about a year, when the council is scheduled to hold hearings on its draft recommendations. That will be the first opportunity to judge the success of the NFLC in divining the public interest

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