

Forestry Referendum Commentaries: Three Perspectives on where to go from here

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Forest Policy is Hard

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Let me put it right on the table. I'm bitterly disappointed that 2B did not pass, and not just because I worked so hard on its behalf. This referendum campaign has been an incredibly rich and baffling experience; making sense of it has been a challenge.

I'd like to offer a few high points concerning where we are now, why forest policy is so hard, and what Maine's forest policy agenda for the future looks like.

Where are we now?

The fifteen largest landowners maintain that their commitment to the forest compact continues. This represents a significant step forward from where we were nine months ago. I hope they follow through in good faith. I also hope that citizens, the press, state government, and interest groups will continue to focus on this commitment.

We have the final 1995 data on the status of Maine's forest resource, courtesy of the U.S. Forest Service's Forest Inventory and Analysis team. They continue to analyze the findings, and many of us who earn our living by following such statistics disagree about the real meaning of the numbers. For example, the numbers suggest dramatic reductions in spruce-fir forest acreage. These numbers are based on a complex definition that may obscure some important factors. Interpreting the numbers requires assumptions about future stand development. The most important question--the future of the resource--requires further costly analysis, which will take time. Will the experts fully agree on all of this? Probably not.

There are some 100 pages of regulations that constrain forest landowners (Connors, Murdoch, and Field, 1992). They do have useful benefits, even though important problems slip through the cracks. I once wrote within these pages the following: "Regulation is destined to play a larger role in the policy mix for these new forest values. This is ensured by the absence of options." (Irland, 1991). I hardly could have imagined that this speculation would foreshadow the events of 1996!

The inventory of spruce-fir timber in the Maine forest has declined markedly over the past twenty years. This was expected based on the effects of the spruce budworm outbreak and the fact that fir trees usually die young. Maine is the first northeastern state to report a decline in softwood growing stock since the federal forest surveys began. The harvest level is clearly very

close to what is sustainable in terms of timber yields. Given the age-class structure of the forest, the toughest supply problems for softwood lie ahead. Maine now faces the challenge of designing institutions to ensure that sustained yield is not violated. The tools for accomplishing this are not at hand. The temptation to adopt simplified "quick fixes" must be resisted.

Why is forest policy so hard?

It is hard because we have no effective process, because it is a political quagmire, and because it is technically complex.

The process--we don't have one

Despite considerable debate on the issue, it seems we have no definitive process for resolving forest policy questions, even on an interim basis. Yet there are a number of ways forest policy questions can be handled, of which five are worth noting here.

- **Ad hoc commissions.** Despite ever-present cynicism about such committees, there are many examples of commissions in Maine making important contributions toward solving policy problems. We almost tried this option in dealing with the forest practices issue--the Commission on Sustainable Forest Management was created; yet it tabled its controversial report early in 1996. I have not explored the reasons, but ultimately the report died.
- **Legislative action.** The prescribed method for resolving policy conflicts in our society is through legislation, yet significant minorities of voters say they feel this process is controlled by special interests. Groups that are not getting what they want from the Legislature are given alternatives, such as referenda, administrative or federal action.
- **Referendum proposals.** A great but perhaps ambiguous heritage of the Progressive Era, and a great symbol of direct democracy at its best, the citizen referendum has offered an appealing option to those not getting what they want from the Legislature. Yet few people seem comfortable with the referendum as a device for settling such complex policy questions as is the case with the forest practices issue. The "Battle of the Bumper Stickers" in this referendum cost upwards of \$6 million. This amount could plant 30,000 acres of trees or buy thousands of acres of land for conservation. Incredibly, there are those out there who want to go through this again!
- **Administrative action.** While the legal constraints are severe, there is no reason some of these issues could not be considered by administrative bodies. The Land Use Regulation Commission could review plans for regulating forest practices in the wildlands. The Maine Forest Service could host public hearings to consider suggested amendments to the regulations involved in implementing the Forest Practices Act. It is interesting that, in the face of widespread public concern about forest practices, neither has been tried.
- **Federal action.** Long ago, the U.S. Forest Service lobbied for public regulation of private forest practices and for the creation of a public forest enterprise consisting of as much as half of the nation's forest lands. This idea went nowhere and faded away by the conservative early 1950s. There are small groups that support using various federal statutes as a backdoor forest policy and that are advocating 3.2 million-acre Maine Woods National Park (a land mass equal to that of six southern Maine counties--York, Cumberland, Androscoggin, Kennebec, Lincoln and Sagadahoc). Yet the use of federal powers for conservation has little voter appeal in Maine. We created the

Allagash Wilderness Waterway only after then-Secretary of the Interior Stuart Udall threatened to do it by federal action.

Lacking a reliable policy process for identifying and resolving the policy issues, it is not surprising that some groups turn to processes such as a referendum. We will have to make forest policy with the rough and imperfect processes we have. There just aren't any other options. To those who say they "don't like the process," I ask, "If you have a better one, what would it be?"

Forest policy is a political quagmire

While Maine has no complete, rigorous, and enduring final statement on how all disagreements about forest practices should be resolved, neither does any other political jurisdiction. The politics of the clear-cutting issue turned out to be more variegated, complex, and unpredictable than most of us had expected. The experience shows that the political power blocs tossed around in editorials really do not exist. The term "paper companies" becomes a cliché for hundreds of private owners in the wildlands, some of them Canadian, most of them owning no mills. "Environmentalists" becomes a catch-all for a wide range of groups. Neither of these power blocs formed a united front in this referendum campaign. Their leaders could not deliver their votes. Here are some of the factors that preclude development of a clear forest policy:

- Forest policy issues are linked closely to questions concerning local control, property rights, and values about nature. Such questions rarely are resolved by either appealing to facts or by debate. Have you ever met a Democrat who was converted to a Republican (or vice versa) by facts?
- Our political system gives blocking power to minorities who can frustrate the will of far larger groups.
- Group positions have become more polarized. The distance between extreme positions is vast; contending parties refuse to compromise; extreme policy agendas are advanced on a take- it-or-leave-it basis. Problems then fester because the Legislature rightly rejects the extremes but is unable to find a middle ground that is defensible politically.
- Because of these factors, forest policy debates often are conducted by using symbols, abstractions, and even fantasies rather than by appealing to verifiable facts and generally accepted technical concepts.

Major newspapers tried to give balanced and detailed coverage to the issues, though important matters were left with too little emphasis. Citizens could learn a great deal about the issue by following a few major newspapers closely. Yet, many voters did not feel they understood the issues and were uncertain about how to vote until the last minute. Virtually all of the major papers editorialized in favor of enacting the compact into law, and most editorialized against 2A. Yet voters ignored that advice in droves.

Some editorial writers, politicians, and interest group leaders didn't know or perhaps forgot that developing forest policy is hard. They thought that the compact could be made into policy simply with a wave of the hand. The governor and other leaders made a judgment that the compact was worth the effort. I think that was a sound judgment at the time. But instead of resolving the issues, we have stumbled into a quagmire. Perhaps we could do worse than to re-learn this lesson: Forest policy is hard.

Forest policy is technically difficult

In addition to the political difficulties, forest policy is technically difficult. The subject is substantively complex and poorly understood, even at the scientific level. Complex problems don't have simple solutions. If they did, we already would have solved the problems of poverty, AIDS, Bosnia, and Zaire. There is neither scientific nor public consensus about what the problem is, or about what methods would be effective in solving the problem.

Because of the complexity and scientific nature of the disagreements, the issue lends itself poorly to the newspaper feature, the televised debate, or the op-ed piece. In writing about this subject, I found it impossible to condense the arguments about 2A and 2B into less than ten or twelve pages. No sound bite here.

What is to be done? - Maine's forest policy agenda

Maine's forest policy agenda is complex. The current debate about forest practices is only one piece of a larger and more complex question. The forest policy agenda includes debates about the following:

- The proper level and form of forest taxation;
- Ways to manage ecosystems on a landscape scale and secure habitat for wildlife and fish;
- Whether the wolf, which we extirpated, should be assisted in recovering its primordial habitat in the Maine woods, and whether introduced and cultured species and varieties of fish that we have introduced should persist or not;
- Whether adequate provisions have been made regarding the need for preserved forest landscapes, unmanaged except by windstorm, fire, and natural change;
- How, where, and under what conditions should public access be provided and managed;
- What limits should be prescribed on how private owners may culture and harvest forest crops, and how such limits should be administered;
- Whether and how society should ensure that a forest persists in the face of real estate market pressures to subdivide the wilderness during land booms that recur every decade or so; and,
- In service of the preceding objectives, what proportion of the forests should be publicly owned?

It will be impossible to gain ground on Maine's forest policy agenda if we take on every issue at once. Certainly there will be different views as to where to begin. Here is my list:

1. Adopt the forestry compact at the upcoming referendum. While the compact has its imperfections, it builds a base for progress.
2. Conduct a vigorous and open process of implementing the compact, especially its provisions for auditing compliance of the fifteen largest landowners.
3. Conduct thorough scientific analysis of the timber outlook using state-of-the-art methods. This process has begun already. Results must be communicated effectively to the public and Legislature, along with the remaining uncertainties.

4. Continue the debate concerning preservation. That a trifling reserve on existing public lands became such a sticking point in the legislative negotiations over the compact speaks volumes about forest politics in Maine.

5. The state should take leadership in developing voluntary programs of cooperative landscape management building on existing major public land units. Examples of such cooperation are underway in other states.

6. The referendum already has upset Maine's reputation as a relatively stable policy environment for forestry. In future political debate, the importance of a stable policy environment must be emphasized.

7. Maine's landowners, legislators, interest groups, and citizens must begin the careful process of designing a policy system that can ensure the requirements for sustained timber yield will not be violated. The audit requirements of the compact will cover this for a portion of the private land. What of the rest?

Of course, this isn't everything. But if we could make major progress on this list, Maine could enter the next century with its forest policies in far better condition than they are today.

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