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Understanding the Interplay Among Many Laws: 1970 to 2000

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**UNDERSTANDING THE INTERPLAY
AMONG MANY LAWS: 1970 TO 2000**

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**THE NATIONAL FOREST MANAGEMENT ACT
IN A CHANGING SOCIETY: 1976 -- 1996**

September 16-18, 1996

**Natural Resources Law Center
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economics and jobs lead the list of domestic policy issues. How are society's concerns reflected in NFMA?

1) Goals in NFMA.

2) Economic emphases in NFMA. Do they fit with Pinchot's theme for National Forest management, "forests for the home-builder first of all?" Relationship to the goals of the Employment Act of 1946.

3) Biological priorities in ecosystem management goals in proposed National Forest planning regulations. Do they fit with societal concerns?

NFMA IN CONTEXT OF OTHER FEDERAL PUBLIC LAND LAWS

The Public Land Law Review Commission listed 2,669 federal public land laws on the books in the late 1960s. Several hundred of these were removed from the books in 1976 by the Federal Land Policy and Management Act (FLPMA). But more were added since 1970 with little consolidation or rationalization. Most do not impinge directly on management of the National Forests, but some do. Problems include the following.

1) Actions are initiated independently of plans and planning process (e.g., mining locations under The General Mining Law of 1872).

2) Information about resources is lacking (e.g., exploration for oil, gas, and other subsurface minerals).

3) Values set by competition for federal resources compete with other values (e.g., timber versus most recreation values, including those on special use permits such as ski areas).

4) Priorities for land uses are set outside of the planning process (e.g., rights-of-way for power lines).

NFMA IN CONTEXT OF OTHER FEDERAL ENVIRONMENTAL LAWS

Federal environmental laws passed since 1970 either establish priorities for federal land uses or affect the planning process independently of NFMA. Examples are the Endangered Species Act (ESA), which makes protection of endangered species a priority

use, and the National Environmental Policy Act (NEPA), which sets process requirements for decisions.

1) How can the requirements of the ESA be met in the face of uncertainty about the existence and geographical extent of species requiring priority protection?

2) How can the requirements of NEPA be met in the face of uncertainty about cumulative effects?

NFMA IN CONTEXT OF FOREST RESOURCES GENERALLY

Margaret Shannon and Norm Johnson asked that we help answer an "enduring problem" -- "What mix of resources best serves the needs of the American people and how should the mix be provided?" This is a broad question that can only be answered by considering both public and private resources and market and nonmarket mechanisms for providing resources. Just how the federal forests, especially the National Forests, fit into this has indeed been an "enduring problem."

1) How do federal forest resources, especially those of the National Forests, serve the needs of the American people relative to resources services provided by nonfederal lands and to what extent does the federal government have a mandate relating to providing nonfederal resources? In what ways should these be reflected in NFMA decisions?

2) To what extent and in what ways should market signals be used in NFMA planning decisions? What kinds of criteria should be used in place of, or in addition to, market signals?