



The Lookout

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Sustaining the Legacy

In this issue Chair Jim Golden offers his views about NAFSR's role in commenting on Forest Service Fire Management, then NAFSR's comments about development of a new National Forest Planning Regulation, followed by George Leonard's NAFSR Budget Letter. Then Job Corps features including a brief report about the transfer of the last of the Department of Interiors Job Corp centers to the Forest Service. We post a tribute to Mary Barr, Forest Service pioneer aviator and some additional information about the Equal Access to Justice Act and alleged abuses. Hank Deutsch begins a two- part article on history of the evolution of national forests. So refill your coffee cup and read the latest from NAFSR.

Jim Golden talks about NAFSR and USFS Fire Policy

I believe that one of the important functions of our Association is to act as the "canary in the coal mine" for the Forest Service. As you have read in previous editions of "The Lookout", concerns have been growing among NAFSR members about fire management in general and particularly the use of fire for resource benefit, aka wildland fire use (WFU).

WFU has increased over the years in recognition that it is an important factor in any restoration strategy in areas of the National Forest System with frequent fire return intervals, such as the drier conifer types of the interior west, and where fire exclusion combined with the lack of active management has contributed to widespread and severe forest health problems. Problems have been reported, though, where resource impacts have been significant, or where the public including our members, have not been well informed of the decision process, the risks, or the outcomes.

I know that it's a formidable decision to respond to wildfire with anything less than aggressive suppression. In the right place at the right time, WFU is a potent restoration and maintenance tool.

Some of the factors that Forest Supervisors consider when choosing an appropriate fire management response include safety, fuels and vegetation condition, resource values, the availability of suppression resources, and cost estimates. But there are also growing concerns about forest fires as sources of carbon emissions, as well as the critical role that healthy forests play in carbon sequestration. Lastly, there must be some assessment of the uncertainties of the situation as well as the risks involved in order to make an informed decision.

Failure, in the form of large escaped fires or unacceptable resource impacts, is not a good option.

As the microscope of public opinion begins to focus on WFU, and on the appropriate management response to fire, I believe that the agency needs to become more transparent in its decision-making process. As many of our members have demonstrated, the trust of the public is at stake.

I understand that a new Federal Wildland Fire Policy is taking form as I write this. So here are a few things that the Forest Service and USDI can initiate to begin to build trust on this issue:

- Agency leadership must review and clarify policy on fire use to ensure it remains a viable tool. Decision-making guidelines should emphasize integrated Fire Management Plans, the growing complexity of WFU decisions (e.g., carbon, resource impacts, community sensitivity), and the appropriate application of Fire Regime Condition Class information.
- Review the current fire safety guidelines, as well as some of the “unwritten rules” that have emerged since Storm King, to ensure that fire managers have all the tools available when a suppression decision is made.
- Assess the impact that fire cost emphasis has had on management response. Have the long-term costs of resource impacts been factored into these decisions?
- Monitoring and evaluation is an important adaptive management step needed to validate assumptions about WFU programs and projects. Conduct formal reviews of selected fires to determine if the response and outcome met the manager’s objectives for total cost, resource management (especially watershed condition) and community relations.
- Assure that the process is transparent. Many of the concerns raised by NAFSR members could be addressed by clear and timely communication, starting at the time fire management decisions are made. I recognize that this can be a challenge when decisions must be made in the first 48 hours of a fire.
- Forest Supervisors must retain decision-making authority for the use of fire, and national policy needs to ensure that discretion remains at that level. “One size fits all” land management policies rarely work. But there must be a more transparent accountability for the outcomes of fire management decisions. As forest health continues to decline in many areas of the nation, and fuel loading far exceeds natural levels, the consequences of failure can be catastrophic. And as carbon becomes a greater factor in contemporary forest management, it adds to the complexity of fire management decisions.

Far from being “Monday morning quarterbacks”, the members of NAFSR are sounding a warning, just like the canary in the coal mine, that fire suppression operations may need greater oversight or a policy review. From the responses that I’ve seen to this issue, I can say that we stand ready to help!

Jim Golden
Chair, NAFSR

Other Fire Information

NAFSR Fire Committee

Discussions between Fire Committee members and the Forest Service continue, and we hope to have a report in the next issue.

Fires of 1910

The Inland Empire Society of American Foresters Annual Meeting, May 20-22 will be devoted to the Fires of 1910 with numerous presentations about the fires and lessons learned from this tragic fire episode. For more information about the conference go to: Inland Empire SAF website: www.iesaf.org/pages/events.asp?PageTextID=3 -

Fires Don't Let chaparral recover

According to Stephen Davis, a Pepperdine University biology professor, fire return to many areas of the chaparral forests of Southern California has become too frequent to allow native plants to recover. In a story by Zeke Barlow in the Ventura County Star, Davis who has been studying the negative effects of fire on the Santa Monica Mountains for decades, says that his studies show with fires returning every six years or less in some areas of the mountains, native plants don't have a chance to rebound and are being replaced by invasive plants that are more prone to fire.

His studies in the Santa Monica Mountains have, in part, led the National Park Service, manager of the Santa Monica Mountain National Recreation Area, to limit the use of prescribed fire, and place more emphasis on preventing wildfire starts.

Planning Regulation:

Recently NAFSR filed extensive comments and suggestions with the Forest Service in response to its call for comments about its proposal to develop a new national planning rule for the National Forests. NAFSR's response, prepared by Ron Stuart, Steve Eubanks and Dick Pfilf, is a superb document, and if you haven't read it go to our web site (www.fsx.org) where the entire paper is available.

Here is a quick summary of the key points for your use until you can visit the website.

Key Points:

1. A PLANNING RULE BUILT UPON USFS STATUTORY FOUNDATIONS, PRINCIPLES, CORE VALUES AND EXPERIENCE IS VERY IMPORTANT. A LOOK BACK TO BUILD THIS UNDERSTANDING IS THE KEY TO MOVING FORWARD EFFECTIVELY.

Understanding basic National Forests and National Grasslands statutory purposes

encoded in the law is central to a good start. These basics need to be fairly assessed and reflected in development of local Forest Plans.

The Organic Acts, Multiple Use Sustained Yield Act, Weeks Act and Wilderness Act are primary statutes, which set a foundation from which to plan in consultation with interested and affected members of the public.

The public's participation in the planning process is critical to developing management that will assure healthy resilient forests and grasslands producing sustainable resources, such as water, supporting people, their communities, economy and quality of life, the reason National Forests and Grasslands were established.

The statutes are as relevant in the 21st Century as when they were enacted. Discussing them is important to achieve informed public participation.

2. PROCEDURAL FAIRNESS, CRITERIA FOR EFFECTIVE PARTICIPATION, AND ACCESS FOR AFFECTED LOCAL COMMUNITIES, TRIBAL, STATE AND LOCAL GOVERNMENTS AS WELL AS AFFECTED CITIZENS AND INTERESTED GROUPS WILL DETERMINE IF SUCH A REVISION WILL BE WIDELY ACCEPTED, SEEN AS USEFUL AND SUPPORTED WHEN IMPLEMENTED.

Clear statement of objectives for participation, and willingness of USFS people to stay committed and active in developing shared knowledge and active communication that is authentic is essential. Committing time, resources, attention and accepting and truly understanding differing concerns and issues is the test for authenticity in the public, legal and community arena.

3. DISTINGUISH BETWEEN PRINCIPLES, OBJECTIVES, PROCESSES AND PRACTICES IN ORDER TO DEVELOP EFFECTIVE, AFFORDABLE FOREST PLANNING REGULATIONS.

In the NFMA Forest Planning Regulation Notice of Intent there was a mixed bag of questions and statements which need to be sorted into their appropriate bin so as to not confuse the people you are asking to engage with you to bring forth a revise Forest Planning Rule.

2011 Budget:

George Leonard has not retired from NAFSR. He is still our most important person in Washington, DC. Recently he completed recommendations to the Congress for the 2011 Forest Service Budget. Here is his letter to Senator Bingaman presenting NAFSR's recommendations.

March 1, 2010

Honorable Jeff Bingaman
Chair
Committee on Energy and Natural Resources
United States Senate

Washington, DC

Re: FY2011 Appropriation for the U.S. Forest Service

Dear Chairman Bingaman:

This letter sets forth the recommendations of the National Association of Forest Service Retirees regarding the F.Y. 2011 budget for the U.S. Forest Service. Members of the Association are men and women who spent their professional careers involved with the protection and management of our nation's forests and in research. Most members spent their careers working on the National Forests and Grasslands. We remain committed to the statutory management objectives for these lands that are vital to the well being of the American people. We believe it is important, even in periods of tight budgets, to provide adequate protection and stewardship for these lands so they can serve the people and provide needed natural resources, such as water, over the long run.

We want to acknowledge the efforts of this Committee to maintain the capability of the Forest Service to carry out its vital missions in the face of clearly inadequate budget requests in recent years. The President's proposed budget for FY 2011 shows much better recognition of the importance of Forest Service programs. Nevertheless, we feel it falls short in several areas that are discussed below.

Research

With the changed structure of the forest products industry, forest management research by major forest products firms has largely disappeared. Cutbacks in State budgets have reduced forest management research at universities. That leaves the Forest Service as *the* source of the science we need to properly manage our nation's forests. We badly need more answers to questions about how to manage forests for various purposes in a period of climate change. We need to find economic uses for the smaller material that we need to remove from the forest to reduce the vulnerability to fire, insects, and disease.

We recommend an increase in Forest and Rangeland Research of 5% over FY 2010 for research aimed at improving forest adaptability to changing climate, efficient resource use, and forest inventory and analysis. We limit our request to 5% given the current economic situation. Frankly an increase in research of about \$90 million per year over the next five years is needed to provide a sound scientific foundation for the protection and management of our forests in the 21st century.

We want the Committee to know of our concerns about the serious decline in the number of career, peer-reviewed scientists in the Forest Service. In spite of relatively stable appropriations for research, the number of career scientists in the agency has declined from about 900 to just over 500. The agency has become increasingly dependant on short-term appointments and Post-Doc appointments. This decline affects the quality of the scientific work that is being done. It significantly reduces the ability of Forest Service Research to provide sound scientific advice to the agency, to the forest management community, and to the Congress. We urge the Committee to work with the agency to reverse this unfortunate trend.

State and Private Forestry

We were disappointed to see the Administration propose reductions in funding for Forest Health Management. Given the catastrophic losses to bark beetles in the West and the threat of lethal invasive insect species throughout the country, we believe an increase in funding for this activity is warranted. *We recommend an increase of 3%*

over the 2010 appropriation for Forest Health Management on both Federal and Cooperative lands.

We are also concerned about the proposed reduction in State Fire Assistance. The threat of fire on all ownerships is increasing. The cooperative relationships among federal land management agencies, state fire agencies, and local fire agencies are a model for emergency response. Reducing support for state and local agencies will adversely affect the nation's overall capacity for wildfire and other emergency responses. The States are simply in no position to pick up these costs. *We recommend no reduction in State Fire Assistance.*

The United Nations had designated 2011 as the Year of the Forests. Observances are planned throughout the world to call attention to the importance of forests to the quality of life. *We recommend increasing the appropriation for International Forestry by \$1 million to allow the Forest Service to participate with other nations in this recognition.*

National Forest System

The proposal to merge the Forest Products, Wildlife and Fisheries, and Vegetation and Watershed Management line items into a single line item will facilitate implementation of integrated management activities on the ground. When a Ranger receives funds in a number of discrete accounts, it is hard to match the money to the needs of a particular project. On the other hand, merging the line items will make it more difficult for people interested in particular activities to identify and track how their interests are being addressed. For example, the Budget Justification for 2011 shows only acres to be treated to restore watershed function or resilience. No data is shown that identify the nature of the work that will be done. There is no data for targets previously displayed such as the area of forest vegetation to be improved, the area of forest vegetation to be established, the area of rangeland vegetation to be improved, the area of stream improvements, or the area of noxious weeds and invasive plants to be treated. People and cooperators with interest in the various activities should be able to find out what the agency is proposing to do and then find out if they did it. If this proposal is accepted, it will be important for the agency and the Congress to fully display planned work and to carefully track and report on activities within the line item. A single broad description such as restoring watershed function provides no basis for judging the need, priority, cost, or otherwise assessing the validity of the proposal. For example, if the appropriation for the line item is based on preparing and selling a given volume of timber, the agency will need to track and report on accomplishments for this activity. *If the line items are merged, we suggest the combination be named Integrated Resource Management rather than Integrated Resource Restoration.* Restoration of forests and watersheds to healthy conditions is important, but a significant amount of the work that is needed on our National Forests and Grasslands involves activities to maintain vegetation, watersheds and wildlife habitat in a healthy, sustainable condition.

We appreciate the emphasis the Congress has given to funding needed Hazardous Fuel Treatments. This work is critical to reducing the vulnerability of our forests to catastrophic fire losses, as well as the threat to lives and property in the wildland urban interface. We believe, however, that it will not be possible to get on top of the growing fuels problem by relying only on appropriated funds. If we are going to succeed, we must find ways to capture the economic value of the material that needs to be removed from the forest. Much of this material can be used for conventional wood products, for composite materials, and for energy production. Not

all of the material will fully pay its way out of the woods today, but even if its removal must be subsidized, it will be cheaper to utilize it than to treat it in place. Importantly, utilization of this material will create jobs in local forest-dependent communities where unemployment rates are high. *We recommend an increase in the volume of timber to be prepared and offered for sale of 700 million board feet over that provided for FY2010.*

The Forest Service reports a backlog of lands needing reforestation of about one million acres. This is based on the results of on the ground examinations and prescriptions. Based on the rate that the backlog has been reduced in recent years, it will take nearly 20 years to eliminate it. We are concerned that the actual area needing reforestation may be significantly larger than reported. For example, a rapid assessment of the 2007 fires showed that some 500 thousand acres might need reforestation. The rapid assessment of the 2008 fires showed that potentially 227 thousand acres might need reforestation. On-the-ground stand examinations are needed to identify how much of this burned land should be added to the backlog. *We recommend a \$6 million increase in funding over that provided in 2010 for reforestation so that stand examinations can be completed and the agency and the Congress will have the data needed to develop a plan for increasing the reforestation program to a level that will eliminate the backlog within five years.*

The Administration proposes a small decrease in funding for Inventory and Monitoring. Inventory and monitoring are essential to professional management of forest resources and to insuring that activities meet established standards. Good information on the results of forest management activities is important to gaining and maintaining public support. *We urge that funding for Inventory and Monitoring be continued at not less than the 2010 level.*

The National Forests and Grasslands are neighbors to thousand of landowners and communities. Maintaining property lines, inspecting authorized uses, and responding promptly to requests for land uses and rights-of-way are essential to protecting the public property and to being a good neighbor. *We recommend an increase of \$5 million for Landownership Management.*

Capital Improvements and Maintenance

We deplore the proposed reductions in funding for Capital Improvements and Facilities. We recognize that substantial funding for these activities was provided in the economic stimulus package, but large backlogs remain. If regular funding is reduced because of the economic stimulus funding, the benefits of the economic stimulus are lost. We particularly object to the reduction in funding for maintaining passenger car roads. The American people have a right to visit their National Forests and Grasslands. These roads are essential to recreation use that is important to the economies of local forest-dependant communities. They are important for the prompt initial attack on fires that is essential to controlling suppression costs. It has long been recognized that adequate access is essential to sustainable management and protection of forest lands. One of the premises of the reduction in the timber program in the 1990's was that some of the employment losses would be made up by increases in recreation use. Recreation use on the National Forests is dependent on access by roads and trails. *We urge that funding for Capitol Improvements and Maintenance be continued at FY2010 levels.*

Wildland Fire Management

In response to Congressional direction, the budget proposes rebalancing funding for Preparedness and Suppression. This rebalancing is desirable. We were disappointed that the Administration failed to fully implement Congressional direction in the FLAME Act. Funding for fire suppression (Fire Operation -Suppression and the FLAME Fund) is based on the 10-year average cost of suppression. *We recommend funding for fire suppression be based on the most recent 5-year average cost of suppression projected to 2011 as prescribed by the FLAME Act.* Establishing a third fund for suppression has no merit.

It is essential that the Forest Service have the capability to respond quickly with emergency watershed stabilization treatments following a wildfire. The flooding in Los Angeles following the Station Fire illustrates the importance of these funds. *We urge that funding of NFP -Rehabilitation and Restoration be continued at 2010 levels.*

Earlier we expressed our concerns about the proposed reductions in Forest Health and State Fire Assistance under State and Private Forestry. We have the same concerns about the reductions in these programs under the National Fire Plan. *We recommend an increase in funding for NFP-Forest Health of 3 percent. We recommend maintaining NFP-State Fire Assistance at the 2010 level;*

This Committee has been diligent in recognizing the special responsibility that the Congress has for the proper stewardship of our nation's forest lands and, particularly, the National Forests and Grasslands. We believe the recommendations set forth above will help to insure that this natural heritage will serve the people now and in the future.

Sincerely,



George M. Leonard ,Board of Directors

Job Corps

The Pine Ridge JCCC leads off this section with the announcement of a major Forest Service award. Jim Webb introduces another article from Schenck JCCC about the center's advisory committee for fire and forestry programs, followed by a brief summary of formal transfer of the remaining Department of Interior Job Corps centers to Agriculture and the Forest Service.

Job Corps wins regional Forest Service award

By US Forest Service

The Pine Ridge Job Corps was recently awarded the Regional Forester Award for Multi-cultural Organization at the annual awards banquet.

Jane Darnell, Supervisor for the Nebraska National Forests & Grasslands, (NNF&G) said, "Pine Ridge Job Corps (Job Corps) and the NNF&G enjoy a strong partnership that provides for education, training and employment of at-risk youth while at the same time improving the stewardship of our natural resources."

Job Corps students have participated in projects spanning multiple areas from actual fire and fuels work, to carpentry, masonry and welding that resulted in rebuilding or improving facilities, trails, and campgrounds, as well as benefits to natural resources.

"Pine Ridge Job Corps staff and students have consistently collaborated with NNF&G employees to improve public lands, provide appropriate goods and services to the public, while at the same time preparing our nation's youth for meaningful careers and contributing to workforce succession and diversity," said Clyde Franklin, Job Corps Director.

One of the most successful, long-term efforts the two entities collaborated on is the 20-person Soldier Creek Fire Crew. They assisted on several wildfires in 2009 including the Broken Ridge Fire in Cedar City, Utah where they received outstanding evaluations.

Schenck JCCC

I asked Bill Carothers to write an article for the Lookout on the startup and the work of our Advisory Committee at Schenck CCC in North Carolina. It is an honor to work with Bill, the committee and the CCC staff on this program. It is important to the Forest Service and to the future development and employment of our nation's young people.

Jim Webb

The Advisory Committee for the Advanced Fire and Natural Resource Management Training Programs

That June day in 2006 is now just a distant memory. When I accepted Mickey Boland's invitation to serve on the Advisory Committee for the Advanced Forestry program at Schenck CCC, I had no idea what a roller coaster ride it would take me on during the next three and a half years. Mickey is the Forestry Instructor at Schenck, but I knew him from his days as a Staff Officer for the National Forests in North Carolina and more currently as a neighbor. I knew Schenck from fire fighting. As a crew member, a squad boss and later as a crew boss, I worked beside and supervised Schenck students on fire assignments. I never had a bad assignment or a bad experience on any assignment with any individual. I learned an incredible amount from the students each time I went out with them.

Getting back to that day in June 2006, five of the eight invited Committee members participated in the meeting either in person or via telephone. Somehow, (I think it was when he was out of the room) Bill Carothers got elected as the Committee Chair. Discussion topics that day included a review of the existing Forestry program and the possibility of expanding the forestry program to include a fire management component that would operate as a Type II Initial Attack crew. The Committee decided to advise Schenck staff to move forward with the creation of a presentation for Forest Service Job Corps and Department of Labor personnel.

The original eight Committee members were a diverse group from within the Forest Service. We had Job Corps graduates, a retired Associate Deputy Chief, a District Ranger, biological technicians, two smoke jumpers and a Field Office representative. These members were Maria McDougall, Randy Burgess, Drag Sharp, Richard Spriggs, Bobby Sutton, Bill Miller, Jim Webb and Bill Carothers. There was little for the Committee to do until the presentations had been made to Job Corps and the Department of Labor, so the next Committee meeting was not held until May 2007. The Committee members saw the need for this program and the opportunities it presented for the students and the Forest Service. At this meeting, Committee Chair Bill Carothers asked each participating member why they agreed to serve. To a person, the response was "It's about the kids."

"It's about the kids" has become the Committee's mantra. None of the Committee members had ever served on a Job Corps Advisory Committee before and had very little direction from Job Corps staff on what we were expected to do. Other than some very general guidance for Industry Councils, the Committee was left to evolve on its own. Since the Forestry program is well established, the focus of the Committee has been getting the Advanced Fire Management Program up and running. Seeing numerous problems and needs for the startup of the Advanced Fire Management program, the Committee began taking actions with the blessings of the Schenck staff. Leveraging funds for and buying equipment, writing briefing papers, outreach notices and position descriptions, serving as detailed overhead for the crew, talking up the program with any one who would listen, making presentations and writing articles for distribution are a few examples of actions taken by the Committee. Sometimes, the Committee has gotten into the nitty-gritty of personnel and Center management to advance the Fire Management program. The Committee was expanded to twelve members after the May 2007 meeting to include Rick Kiel, Steve Lenzo, Ronnie Carnes, Doug Francis and Jaime Hernandez, who replaced Maria McDougall.

At times, it has been difficult to meet the needs of the Forest Service, Job Corps and Department of Labor. Because of these and other problems and needs in the startup phase, the Committee has met almost each month since May 2007. At each meeting, previous Committee action assignments are reviewed and new actions needed are identified. Progress is being made in resolving many of the lingering issues.

Knowledge of and support for the Advanced Fire Management program has grown from the local area to multiple states and Regions. The best selling point for the Advanced Fire Management program is the performance of the Davidson River Type II IA crew that is the result of implementing the program. The crew has completed more than one hundred all hazard, prescribed and wildland fire assignments in the past two years and received excellent performance evaluations on each assignment. Seventeen of the nineteen graduates from the program have been placed in Forest Service primary fire positions and continue to excel, and the remaining two graduates have been placed with a contract fire organization.

The Advisory Committee continues to provide advice, support and action as the Advanced Fire and Natural Resource Management programs evolve. We look for every opportunity to assist the Schenck staff and students because "It's all about the kids."

Contributed by William A. Carothers, Chair, Advanced Fire Management and Forestry-Natural Resources Management Training Programs and current Field Office Representative, Forest Health Protection, Region 8.

Job Corps Centers Transfer to Forest Service

The transfer of the last of the Department of Interior Job Corps Centers to the Department of Agriculture and Forest Service took place March 5, 2010 at Centennial Job Corps Civilian Conservation Center Nampa, Idaho JCCC. The

impressive “changing of the guard” ceremony officially moving six centers from the Bureau of Reclamation to the Forest Service, which was a celebration of past successes and a bright future of continuing to help young people achieve personal success.

Political and agency leaders taking part in the program were Idaho Congressman Walt Minnick, Harris Sherman, Agriculture’s Undersecretary for Natural Resources and Environment, Forest Service Associate Chief Hank Kashdan, Tim Personius, Deputy Regional Director of Bureau of Reclamation and Forest Service Job Corps Director Larry Dawson. Chief Judge Sergio A Gutierrez, Idaho Court of Appeals joined the dignitaries as a special honored guest.

Judge Gutierrez, a graduate of Hastings Law School, University of California, is also a graduate of Wolf Creek JCCC in Oregon, and was inducted into the Job Corps Hall of Fame in 1994. Judge Gutierrez’s remarks encouraged Job Corps students to believe the impossible is possible.

The six centers joining the Forest Service are Centennial, Collbran, Columbia Basin, Fort Simcoe, Treasure Lake and Weber Basin. The directors of the six centers were presented with a Forest Service flag and lapel pin.

NAFSR was invited to attend the event and was represented by CEO Darrel Kenops, Board Member Jack Lavin, members Dick Smith and Dave Rittenhouse.

A more detailed description of the celebration will appear in a future issue.

Pioneer Forest Service Aviator Passes On

Mary Barr, 84, passed away March 1 at her daughter’s home in New Orleans, Louisiana. Her daughter Molly sent us the memory of Mary’s life, which is posted below.

Mary was the first full time woman pilot hired by the Forest Service and went on to be a leader in Forest Service aviation. Her career started in Region 5 at the Northern California Service Center, Redding, CA where she became a lead plane pilot, the first in the Forest Service and a Smokejumper Aircraft pilot. Later she had assignments at NIFC and as National Aviation Specialist for the Forest Service in the Chief’s Office. After a tour in Washington she returned to Region 5 as Regional Aviation Officer and retired from that position.

Your editor had the pleasure of knowing Mary in Region 5 and in the Chief’s Office when we were both working for Fire and Aviation Management. I flew with Mary on a number of fire missions in California and to me she set the standard for professional aviators. While we were never close friends, we did enjoy knowing each other and working together from time to time. Mary, you will be missed by all of us who had the honor of knowing you.

Mary Barr... by Molly Barr

It broke our hearts when we moved Mom out of the mountains in February of 2008. Fiercely independent into her 80's, Mom lived on her own with her pets on a 300 acre ranch at the eastern foot of the Sierra Mountains in Northern California. Had she been in her right mind, she would never have allowed it. We will remember her as she was before that move. Mom lived in Lassen county for nearly 60 years, and I know that in her heart she never left.

Mom enjoyed a long, full life, far from ordinary. Though saddened at her passing, we look back and applaud all that she accomplished. At nineteen, she horrified her family by dropping out of college to learn to fly. In the 1940's—especially for a woman—this was synonymous with running off to join the circus. During her long and adventurous career in aviation, Mom logged tens of thousands of hours in the air and, in fact, was still flying well into her 70's. During her journey she became the U.S. Forest Service's first woman lead plane pilot, which resulted in the honor of having her photo in an exhibit at the Smithsonian's Air and Space Museum. Later, in 2001, Mom was inducted into the Aviation Hall of Fame. What an honor — a true pioneer.

Mom died at the age of 84 on March 1st, 2010 in the home of her youngest daughter, Nevada, in New Orleans, Louisiana. She'd suffered from dementia for several years prior, but died of natural causes after a short hospital stay. She is survived by her step son, Gary Barr; daughters, Molly & Nevada; and adopted son, Don Paxton (Nevada's husband).

We know that mom's friends and other friends of the family may want to honor her in some way. We need for nothing and hope that those of you who would like to remember Mary Barr will do so by donating to a charity in her name. She had a special place in her heart for all animals and below are several of her favorite charities. Also feel free to comment, make contact with mutual friends, or tell stories of how you knew Mary on the page above labeled "Have Your Say." If you would like to contact a family member directly, you may do so through Molly's email: barr727@comcast.net

Molly is a retired Airline Captain and her sister is well known author, Nevada Barr.

Equal Access to Justice

The alleged abuses of this act still resonates in most western states and has resulted in the introduction of legislation to once again require claims for court costs to be readily available public information. The following email address will take you to the latest paper on this issue that has been prepared by Budd-Fallen Law Office in Cheyenne, Wyoming.

<http://www.westernlegacyalliance.org/images/pdfs/42million.pdf>

As has been mentioned in previous newsletters this is an issue of great interest to many Forest Service units.

The National Forest---A review of history

Retiree Hank Deutsch reached back into his graduate student days at Colorado State University and the research he did to produce this article about the national forests. Because of the length of this issue of The Lookout we have broken the article into two sections. The second part along with more about Hank will appear in the next issue. Thanks to Hank for his contribution to the newsletter.

The over two year study was completed during a time of judicial and administrative controversies challenging the historic role of the Forest Service regarding the management of National Forest natural resources, especially western water rights on certain National Forests.

The research involved a detailed exploration into many of the formative historical U.S. government documents, reports, forest inventories, scientific and academic studies, which were presented during the late 1800's and early 1900's when the Nation was in the process of proclaiming it's public domain, forming its conservation conscience, ethics, laws and policy. In retrospect and with new perspectives, I now believe that a "re-interpretation" is justified but more strongly a new affirmation is required concerning the mission of the Forest Service and the publics National Forests.

THE FORMATIVE PERIOD -- 1800 to1891

The 19th century was the epic period of the Nation's westward growth during "Manifest Destiny." The United States affirmed it's Constitutional foundations and it's position as a Nation while hostile powers threatened it. It's national land boundaries were expanding rapidly mainly acquired by war, treaty and purchases. Further the Nation suffered through the agony of the Civil War consolidating the southern states within the Union. It was also a period when the Congress asserted it's legislative and delegating powers into forming the newly acquired lands, which became known as the "public domain." It granted to the executive branch, the president the right to proclaim and set aside the public domain for national needs.

As in nature there are interrelated evolutionary and ecological processes, so it is in our democratic republic's public policy formation processes. The formation of the public domain and its organization occurred incrementally and with the participation of a wide range of legislative influences reflective of the dynamics of the changing social and geographical form of the Nation during the 19th century.

History will show it was a confusing period during which judicial and legislative interpretation of broad, general and vague statutory language gave a mosaic pattern of different meanings of the actions of the Congress, the federal agencies of the day and the various organizations and individuals who became major actors in the

formation of totally new concepts and principles for management of the public domain.

One of the precedent actions by Congress beginning in 1799 and again in the early 1800's passed legislation that set aside forestlands largely to supply live oak for "naval purposes." The term "purposes" was used here for the first time regarding public forest timber for the U.S. Navy. Soon the word "purposes" as it related to the public domain would have greater meaning and controversy into the following century.

During the mid 1800's there were numerous landmark studies and reports regarding the newly acquired public domain forests of the Nation. Two major precedent Congressional actions, which would later become a part of the basis for similar legislative and executive actions was the transfer to California in 1864 of the Yosemite Valley and the Mariposa Big Tree Grove for "...public use, resort and recreation." Following in 1872 Congress reserved "Yellowstone National Park," the Nation's first national park as, "... a public park or pleasuring ground."

Numerous federal agency studies and private reports during the 1873-1889 called for passage and legislation for the establishment of national forests or reserves and forestry programs. Congress from 1871-1891 considered 26 bills concerning the establishment and management of the forested public domain but only five passed. The major emphasis was the forest lands of the public domain should be withdrawn and reserved for forest management similar to Western European forest management.

Some leaders in the development of the national forests and forest conservation were Fredrick Starr, Jr., John A. Warder, Franklin B. Hough, William H. Brewer, George Vasey, Carl Schurz, John Wesley Powell, Edwin Bowers, George P. Marsch, John Muir, Bernhard E. Fernow and Gifford Pinchot, together with the newly formed American Association for the Advancement of Science, American Forestry Association, American Economic Association and later the National Academy of Sciences and the Society of American Foresters became progressively involved in the public policy process leading to the formation of the forest reserves and later national forests and the Forest Service.

FOREST RESERVES -- 1891 to 1910

Finally after intense national debate and a progressive incremental and distributive public policy process, Congress passed the historic General Revision Act of 1891, known by some as the "Creative Act." Section 24 of the precedent act granted the President the privilege to reserve by proclamation certain timberlands of the public domain. Curiously the Congressional Record gives little information regarding the intent of Congress on Section 24. Within a short time after

passage, President Benjamin Harrison proclaimed the Yellowstone Forest Reserve in Wyoming. Thus in less than a century the formation of what would ultimately be called the National Forests had begun.

One cannot forget the active and assertive role of the Presidents of the United States beginning with U.S. Grant, Benjamin Harrison, Grover Cleveland, William McKinley and Theodore Roosevelt in the understanding, acceptance and strong support for the formation of the forest reserves and their management.

During this period over 80 million acres were proclaimed as forest reserves which ultimately became the core of the National Forests in 14 states. Then the national debate began in earnest regarding the national “purposes” and uses of these new federal institutions and who and how would the massive acreage be scientifically managed.

TRANSITION TO MANAGEMENT – 1897 to 1905

During this post reserve period, discussion focused nationally on the specific management of the new Forest Reserves. Numerous Congressional debates, hearings, reports were held and a detailed review of the Congressional Record strongly supports Congress understood, accepted and generally supported the broad uses and purposes for the Forest Reserves and the principles for their scientific and sustained renewable management.

The national discourse influenced and culminated with the passage by Congress of the so-called “Organic Act” of 1897. The critical and controversial words: “No national forest shall be established, except to improve and protect the forest within the boundaries ... or for the purpose of securing favorable conditions of water flow, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States....”

The debate on the “purposes” of the National Forest continues today sometimes in federal and state courts, Congressional deliberations, discussions within the Department of Interior and Agriculture’s forest agencies and the public and private sectors as to the real meaning of the above select passages. Some prefer the “plain meaning” or narrow definitions. Others agree the literature of the period and the circumstances and record of Congressional debates and reports over 25 years prior to the 1897 “Organic Act” strongly supports the broad interpretation is more appropriate.

The evidence strongly supports what Congress and the national advocates sought; the comprehensive forest management for public forest lands. They also were aware of the continuous progress of science and research and that management objectives would change to meet the expanding American population and its increasing changing needs from its National Forests. (*To be concluded in the next **The Lookout***)

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