CHAPTER 8

Conclusions and Recommendations

Today, the policies which affect the forests of the Northwoods of the Great Lakes states foster fragmented, disjointed management strategies at odds with the goal of protection of biological diversity. Examples of this conflict are found throughout much of the Northwoods. The devastated landscapes that nobody wanted 70 to 90 years ago are now recovering forests in which tremendous competing interests may unwittingly conspire to halt or reverse the trend toward recovery of native ecosystems. The call for changing our public policies so that we manage forests to protect biological diversity is a call for balance and foresight in the management of these precious resources.

For those who doubt the growing conflict, some examples found in the northern lower peninsula of Michigan today include:

- A county-wide land use planning effort in Emmet County has been virtually ignored by Michigan’s DNR, even though the state is the largest owner of property in the county. Simultaneously, DNR officials are concerned and confused by ordinances passed in townships in Emmet County seeking to ban clearcutting on all lands in the township, particularly State Forest lands.

- The Huron-Manistee National Forest has determined that significant forest stands previously thought to be appropriate for aspen management were misidentified, and has reduced the maximum aspen harvest levels accordingly. The timber industry has expressed great concern over the reduction of available aspen to feed existing mills, but economic development agencies in Michigan nonetheless continue to promote development of a pulp and paper facility in the Rogers City area on Lake Huron.
• Plantation planted red pine on state and federal lands has reached an age where private interests are proposing expanded wood products facilities to use this species. Before wholesale harvesting of the red pine occurs, recreational, environmental and hunting interests are demanding answers to the critical question of what the future management of these public lands will be.

• Blocks of contiguous, recovering forest lands throughout the region are being fragmented by development for resorts and housing, oil and gas development, forest and wildlife management activities, and the accompanying infrastructure of these activities. The loss of forests to these uses is being opposed by a variety of local and statewide interests, but those interests often blame each other for excessive impacts on the forests.

• The American Automobile Association (AAA) projects that in 1994 there will be a significant increase over the 47,000 deer/car collisions which occurred in Michigan in 1993 because of a projected increase by a quarter million in the number of deer. Last summer, however, business people in the northeastern lower peninsula put pressure on the DNR to increase deer habitat management because they believe a decline in deer is contributing to less tourism than desired.

Does it matter whether we reach accord in the management of the forests of the Northwoods? For some whose interests are purely monetary, the answer will be no. The “cut and run” mentality which led to severe overcutting of forests in the Pacific Northwest with a brief economic boom and inevitable economic bust is a factor in the expansion underway today. For some, the return to exploit the upper Great Lakes forests was planned long ago as it became clear that the poor practices in the West would eventually exhaust those forest resources.

The vast majority of those involved in the debate about how best to manage the forests of this region, however, are here to stay and are dependent in many different ways on the woods. Whether loggers or campground owners, mushroom pickers or scientists seeking genetically superior tree species, a healthy, biologically diverse forest promises the best hope for providing for the interests of all of these people over the long term.

Making policies is about making choices. This report documents that many of the choices made in the past have been counter to the long-term
interests of the forests and the people who depend upon them. The choices we make in the future will determine whether we will make the changes needed to correct the mistakes of the past. Adopting a new way of thinking about the policies which affect our forests is a critical first step.

This report is intended to be a tool to help policy makers and the people they work for provide a current and ongoing assessment of policies affecting biological diversity. Below, we present recommendations for policy changes in the northern part of Michigan’s lower peninsula in keeping with the choice of this area to be a focal point. These recommendations provide a sampling of changes likely to apply throughout the Northwoods. Progress toward changes in policies affecting biological diversity are being made in parts of Michigan, Wisconsin and Minnesota already. The true challenge will be to develop and sustain a process which fosters continuing analysis and adjustment of policies in keeping with the goal of protection of biological diversity. Ultimately, actions will speak much more loudly than words.

Conclusions and Recommendations

Conclusion

Protection of biological diversity in the Northwoods will depend on developing a new way of thinking about the forests. Instead of measuring the success of management efforts in yearly outputs of commodities, success will need to be measured by success in restoring and sustaining native forest ecosystems. A new way of thinking about policies affecting the forests will be a critical part of achieving this goal.

One part of this new way of thinking will be to approach policies at a landscape level, cutting across jurisdictions while respecting different types of ownerships and managers. The intention is not to create uniform policies at all levels of government, but instead policies which are complementary and coordinated. The ultimate goal is a cohesive, on-the-ground policy framework for protection of biodiversity.

Recommendation

The six criteria below will allow policy makers and activists to assess the components of a policy framework, for both today’s policies and policies proposed for the future.
Criterion #1
A policy is consistent with perpetuation of biological diversity when its fundamental mandate either clearly articulates that goal, or is neither inconsistent with nor hostile to perpetuation of biological diversity.

Criterion #2
Policies must seek to assure, to the greatest extent possible, the continued existence of all native species and ecosystems, and the functions within them.

Criterion #3
Policies must either establish or mesh with a landscape level design or plan which addresses all lands, regardless of ownership, including protected areas, areas managed for natural resources and developed lands.

Criterion #4
Policies must assure the use of technologies and management strategies which foster biological diversity, through incentives and regulations.

Criterion #5
Within an overall policy framework, some policies must promote research to identify and catalogue species and ecosystems, to further understanding of ecosystem function, and to develop management techniques which can perpetuate biological diversity. Policies should foster the timely application of technologies identified through ongoing research.

Criterion #6
Policies must provide for ongoing monitoring and evaluation to assure compliance with the criteria provided above, with a particular emphasis on achieving the mandate to assure protection of biological diversity.

Conclusion
Policies affecting biodiversity are best understood in relationship to the unique circumstances of a particular place. The northern lower peninsula of Michigan is the example used here. As a place which has suffered from a sustained catastrophic disturbance regime during most of the last century, the policies to be pursued here will be different from those in an area of intact and functioning native ecosystems. While it is not feasible,
nor even appropriate to go back to presettlement conditions, policy
makers must also reject the notion that this recovering but disturbed
forest landscape should be maintained in perpetuity as it exists today.

Recommendation
Policy makers must go forward with a “third course” for Michigan’s
northern lower peninsula based on today’s knowledge of both the
presettlement and current conditions, on sound scientific principles
regarding restoration and protection of biological diversity, and with an
awareness that adjustments may be needed as understanding of these
issues grows.

Conclusion
Publicly owned lands offer the most readily identifiable focal point for
implementing policies for biodiversity because they are held in the public
trust. However, public lands have mandates for management which cover
a wide range of purposes, and the fragmentation of public land owner-
ships in the northern lower peninsula currently hinders landscape level
planning and management efforts.

Recommendation
Public agencies which manage forest lands for natural resource values,
from outdoor recreational values to resource extraction, must be guided
by policies in which protection of biological diversity is the primary
mandate, followed by other mandates appropriate to the agency. Specific
examples are given below for the Forest Service and Michigan State
Forests.

Recommendation
All public land managing agencies should be required through their own
fundamental policies to conduct planning activities at a landscape level,
coordinating with neighboring ownerships, in particular other public
owners, and accounting for potential impacts on biological diversity from
surrounding land uses. Such planning must be consistent with the man-
dates of the varying agencies, and would not extend authority of agencies
beyond their borders, but would be expected to lead to such things as
cooperative agreements and land exchanges to facilitate the mission of the
varying agencies. [Note: efforts of this type are in their infancy in both
the northern part of the lower peninsula and in an cooperative effort in
the eastern part of the Upper Peninsula of Michigan. Both involve state and federal agencies and in the eastern UP private owners have also been involved. These experiences can provide guidance for changes in policy needed to facilitate better coordination and cooperation.

Conclusion
The Forest Service is an agency which combines a rigid, hierarchical structure with the flexibility of a multiple use mandate and a legislative framework that is remarkably complex and even contradictory. As a result it concentrates tremendous authority in the hands of the agency staff. Processes for taking public input are spelled out, and local forests are vulnerable to local political pressures, but ultimately decisions made by the agency are almost entirely discretionary, most particularly in the area of on the ground implementation which can dramatically influence the prospects for biodiversity protection. Despite a variety of positive changes in the direction of the Forest Service, too many changes are superficial and policies still remain in place which would allow the process to be reversed very quickly with a change in personnel.

Recommendation
A clear overriding mandate for protection of biological diversity on National Forest lands must be definitively established. The litigation over the Forest Plans for the Nicolet and Chequamegon National Forests in Wisconsin may lead to such clarification through a decision interpreting existing language in the National Forest Management Act. If an affirmation by the courts does not happen, amendments establishing the clear primacy of biological diversity as the mandate for National Forests should be made by Congress to the National Forest Management Act and the Multiple Use Sustained Yield Act. Multiple use will need to be redefined to allow only for a diverse range of consumptive and non-consumptive activities compatible with a maintenance of biological diversity to occur within the National Forests. Ultimately, a critical step in assuring the primacy of a biodiversity mandate must be codification of the statutes affecting the Forest Service. Contradictory statutes and processes should be brought into a single uniform code with the mandate for protection of biological diversity as an overriding principle.

Following a clear articulation in policy of the mandate for biological diversity, changes must be implemented down through the hierarchy through swift changes in regulations through the proper public processes. In addition, incentives within the Forest Service must demonstrate that protection of biological diversity is the actual priority in implementation
on Forest Service lands. Broadly speaking these will include: 1) an alteration in funding incentives from being based on commodity production to the development and implementation of plans and projects which are protective of biological diversity; 2) training for Forest Service staff at all levels of the agency in how to plan and manage the forests to promote protection of biological diversity, and basing personal advancement within the agency on success in this area.

Conclusion

During the 1970's and 1980's the State of Michigan shifted from a classic conservation ethic applied to its State Forests and other land holdings, to both policy and practices heavily favoring the timber industry and deer hunting interests. The lack of a clear, coordinated mandate and management strategy for public lands in the state, and the lack of integration of different Department of Natural Resources Resource Management Divisions has led to growing conflicts on the land, with no institutional or policy based commitment to the overall integrity of the forests themselves. Earmarked funding for programs has crept into the gap left by decreasing General Funds, leading to an increasing emphasis on managing for vested interests and a decreasing ability to manage for biological diversity. Information about the natural heritage of all state owned lands has been collected at an indefensibly slow pace and is still rarely used by any Division before activities are planned and carried out. Management planning for the six State Forests has been virtually unfunded since being initiated 10 years ago, has had no clear policy direction to date, and the two completed State Forest Plans more accurately reflect current activities in the forests than efforts to set a course for the future. Pervasive throughout Michigan State Forest decision making, planning and plan implementation is a lack of systematic and comprehensive access for the members of the public to the decision making process.

Recommendation

In 1984 the Public Lands Task Force recommended that a "comprehensive public lands policy for Michigan" be created, and the need is even more compelling today. At the time, the Task Force proposed identification of the criteria to be used by each DNR land managing agency, and to use those for management and acquisition purposes. Michigan now needs to create an integrated overall strategy and to identify the manner in which these lands can best be managed first to protect biological diversity, and then to provide for the wide array of demands on the land.
Regarding Michigan's largest land holding, enactment of an organic act for Michigan State Forests which establishes a mandate for managing the forests for protection of biological diversity, and allows other purposes which do not conflict with that mandate, is essential. This mandate must extend to all activities affecting the State Forests, including those which fall outside of the Forest Management Division purview, such as wildlife management and mineral development. In addition, the current review of the State Forest Planning process in Michigan must require integrated planning across the State Forests, either through a State Forest Management Act or a Natural Resource Commission Policy establishing such a policy. Public input into planning and management activities on State Forests must be systematically revised and expanded to assure that Michigan citizens have opportunities to learn about pending decisions, to learn about the rationale and legal basis for decisions, and to use both administrative and judicial appellate opportunities to challenge decisions which conflict with the laws and policies of the state.

Funding sources for activities on State Forests must be used in ways compatible with maintaining a healthy, biologically diverse forest, and must be disconnected from serving solely special interests which may be in conflict with such a goal. Most notably, the Deer Range Improvement Program guidelines must be eliminated, and instead this funding source from deer hunting licenses should be provided to management activities on the forest that are identified through integrated resource planning discussed above. Forest Fire funding should be covered at least in part by fees levied on those served, and General Funds currently providing that free service should be shifted to fulfill the broader purposes of managing for healthy, ecologically intact forests. In addition, the successors to Michigan's Forest Products Target Industry Program must reorient their promotional activities for development of Michigan's forest based industries to promoting the products which result from a forest managed for biological diversity and stable communities, rather than boom/bust cycle industries.

Conclusion

One unintended consequence of disjointed land use policies and regulations throughout Michigan has been the failure to produce the landscape level perspective critical to protection of biological diversity. Communities are often ill-equipped to deal with the pressures brought by develop-
ers until after mistakes have already been made. In addition, communities currently have little incentive to coordinate with their neighboring communities on issues affecting them all, and tools that are primarily advisory in nature. Many regulations authorized by state law and implemented at the local level through ordinances are geared toward development, from provisions of the tax code which fail to recognize a unique value for natural lands, to disjointed authority over decisions such as wetland protection and road building which can dramatically affect biodiversity protection efforts.

Recommendations

Extensive efforts to reexamine and revise laws affecting land use in Michigan have been initiated in this last session of the legislature, and these changes will help biodiversity protection efforts as well. Many of the concepts within these reforms focus on urban and suburban areas, however, and miss unique needs for rural communities affected most by forest policies. Biodiversity protection will require the ability to encourage communities to coordinate with neighboring communities and public land ownerships in their planning efforts to achieve a broader landscape perspective in rural areas. Three recommendations are: 1) to eliminate the provision in the Subdivision Control Act allowing for subdivisions of over 10 acres in size to occur without any local review; 2) require that road commissions, schools and other units of government be required to coordinate with the local unit of government in location of facilities and planning activities; and 3) reinstitute the authority of local units of government to enact ordinances stricter than the state law provides in issues affecting land use and the environment, including wetlands protection.

Conclusion

State level laws and policies, in particular regarding forest practices, mineral development, and exotic species controls, have potential to encourage protection of biological diversity on both public and private lands, but to date have tended not to do so.

Recommendation

The Michigan State Legislature should enact and the governor sign into law a Forest Practices Act for Michigan which seeks at least to eliminate the bad actors who currently are unwilling to abide by voluntary best management practices and other voluntary guidelines. The enactment in Michigan of an Exotic Species Control Act similar to Illinois would be a
very important step toward controlling loss of species and genetic diversity through the unintentional escape of detrimental species. Reform of Michigan's laws relating to mineral development are long overdue. Recent revisions of the rules for oil and gas development promise some improvements in this area, however significant damage to biodiversity potential for the state has already occurred. Policies regarding hard rock mining in Michigan are virtually nonexistent, and with the resurgence of mining throughout the upper Great Lakes this promises to be a sleeping giant in terms of impact on biological diversity. A statute to regulate the environmental consequences of hard rock mining in Michigan must be enacted.

Conclusion

Even if all public lands are managed to protect biological diversity, significant tracts of privately owned lands may well be critical to protection efforts as well. Programs exist which can help provide incentives to private owners, to help protect biological diversity on their lands, but they have not been aggressively promoted for this purpose. In addition, land trusts which have been key to acquisition and protection of critical parcels of land for protection of biodiversity and their efforts should be more thoroughly coordinated with state and federal agency efforts. Too often, agencies turn to land trusts to seek assistance in acquisition of lands the agency has already identified, rather than working to coordinate objectives. Protecting biological diversity will require working on a landscape level which demands more creative protection efforts of private as well as public lands.

Recommendation

The Farmland and Open Space Program has tended to focus on lands near urban areas where the threat of development is significant. Expansion of this voluntary program should be pursued to use the Open Space provisions for protecting key parcels on private lands, particularly those identified through coordinated landscape level planning efforts. In addition, state acquisition of development rights in these key areas should be pursued using the funds accumulated under FOSPA forfeiture provi-
sions. An example of coordination between land trusts and agencies is occurring in a collaborative effort in the eastern upper peninsula, and such collaboration should be expanded throughout the state in the pursuit of planning and implementation efforts for biodiversity.

Conclusion

Acquisition of key components of a landscape level biodiversity protection strategy will almost inevitably depend on government action and/or action by land trusts. An emphasis on recreational or high profile purchases by the Michigan Natural Resources Trust Fund in the past has meant that ecologically significant lands have almost always ended up lower on the list than other lands. Acquisition schemes tied to public land biodiversity mandates are critical to assuring acquisition of key parcels, while possibly disposing of less important pieces. When sensitive lands are acquired, the agency must be prepared to manage those lands appropriately, with highest priority on biological diversity protection, not recreation, timber production or other potentially conflicting uses.

Recommendation

The Michigan Natural Resources Trust Fund and the federal Land and Water Conservation Fund should establish clear priorities for the acquisition of key parcels of land for protection of biological diversity. While open space and recreational needs for urbanized areas are very important, the neglect of this facet of land acquisition priorities throughout the history of these programs threatens the permanent loss of opportunities to protect biological diversity. In addition, lands acquired for biodiversity protection purposes should be designated that way, and managed with that primary objective, not subject to recreational, wildlife management or timber management objectives which may be counter to the purpose for acquisition. Changes to the Michigan Wilderness and Natural Areas Act or identification of planning tools which allow such automatic designation for state lands should be instituted.