

Legislative and Policy Activism: Withstanding the Forces of Man

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Natural events often have dramatic impacts on a forest. Forest resiliency after catastrophic natural events such as volcanoes, hurricanes or fires is well known. We have learned forests can survive, recover from and live with the forces of nature. In "Forests in the Long Sweep of History," Marion Clawson noted:

The capacity of natural forest lands to regenerate timber stands and the capacity of timber to grow, even in the absence of man's help and often in spite of his wishes, tend to be overlooked or ignored.

Yet damage from the forces of nature can pale to insignificance in comparison with the effects of man's laws, regulations and policies. The death tax is an example, where death of an owner can cause loss of his or her forest. Just as maintaining crown closure can protect against wind storms, political activism is essential for protecting against harmful laws and regulations.

The most important forest policies and alliances are formulated in Washington, D.C. Activism in this arena is an essential part of creating conditions to allow and encourage good forest stewardship. This understanding led Association of Consulting Foresters leaders to consider establishing a national headquarters in the Washington area. Around 1980 the question was asked, "What is ACF's image and visibility in Washington, D.C.?" The answer was, "practically unknown."

Moving our headquarters to the Washington area was the first step toward becoming the most prominent and respected voice for consultants and private forestry in the nation – a voice that promotes self-sustaining forestry independent of public funding and wood procurement interests. It was not an easy step. Our first paid Executive Director, Arthur F. Ennis, was charged with (1) setting up the office and administering the affairs and programs of ACF; and (2) making the organization known. Individual members carried out the legislative activity. For many years ACF member Harry Murphy was the legislative arm of ACF. In the beginning, little or no ACF funds were expended to represent our interests. We had some success, but as Art stated, “It is axiomatic that one’s acceptance in the Washington scene is directly related to one’s effectiveness.”

Gradually our effectiveness became recognized and we were sought out to provide our perspective on many issues, particularly those concerning non-industrial private forest owners. One of the early accomplishments that proved particularly significant was successfully advocating for requirements in certain federal legislation to “use private agencies, consultants, organizations, firms and individuals to furnish necessary materials and services” to the maximum extent practicable. In one of the boldest acts of activism, ACF documented and threatened suit against several state forestry organizations for providing management to large ownerships or marking and selling large timber sales in areas where private services were readily available. Taking this concern to Congress produced – thanks to Senator Alan Bible (Nev.) – a better understanding and relationship between ACF and state forestry organizations. In a similarly significant effort in the early 1990s, ACF worked to ensure that real estate licensing regulations

did not prohibit foresters from appraising timber.

There are few single-handed accomplishments in the legislative or policy area. Most require considerable cooperation with other interest groups, which is impossible without years of building trust and understanding. Contacts of individual members with congressional members from their states is an important complement to work in Washington. Also required is access to senators, representatives and especially to their all-important staffers who draft proposed legislation. Turnover in the staffer ranks means continual contact and educational efforts are necessary. A long-term benefit often accrues when these staffers remember us as they move to higher levels or elected office. ACF members helped initiate an annual Congressional Staff Tax Seminar to explain the impact of taxes on forest landowners. This action began before the Forest Landowners Tax Council (FLTC) was formed. FLTC cooperated with ACF in educating legislative staffers.

Frank Stewart, ACF Director of Governmental and External Affairs from 1999 to 2005, was instrumental in helping ensure that the Healthy Forests Restoration Act addressed needs of non-industrial private forest owners (NIPF). This included assisting with the writing of most of Title IV and ensuring that the word “voluntary” was added to all titles where NIPF landowners were affected. His work on the long-sought revision of IRS Section 631(b) was most crucial. After Hurricane Ivan, a senator and others contacted him and requested suggestions for legislative changes to aid forest owners damaged by hurricanes. He serves on the Department of Agriculture’s Forest Research Advisory Council. These contributions to the interests of ACF members and their clients all occurred in the past two years. They

would not have been possible without years of preparation, presence and persistence.

A comprehensive listing of the activities and accomplishments over the last few years would be too numerous to list here. Close study of our history of legislative activism shows an impressive record of success. From being “practically unknown” to name recognition with many senators, representatives and congressional staffers is a major accomplishment. Our participation in the legislative process has made valuable contributions toward protecting the private practice of forestry, and our forests and forestland from adverse impacts due to the forces of man. We cannot afford to lose that momentum and our effectiveness by reducing the ACF role to only monitoring and reporting.

The key to effective activism is consistency and continuity in maintaining relations, working diligently, and demonstrating competence and expertise in our areas of interest as well as honesty and integrity in all dealings – exactly the same efforts necessary to build a consulting business. Over the years ACF has become recognized for expertise in private forestry, become an effective advocate for consulting forestry at the national governmental level, and provided input on policy issues. These are long-standing visions embedded in the ACF strategic plan. ACF members have an obligation to understand and support the work that can be so important in helping forests, forest owners and foresters cope with, adjust to and withstand the forces of both nature and man. ●

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